

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X  
UNITED STATES OF : 21-CR-80(RER)  
AMERICA, :  
 :  
 :  
 : United States Courthouse  
 : Brooklyn, New York  
 :  
 -against- :  
 :  
 :  
 : Wednesday, March 15, 2023  
 : 9:00 A.M.  
 :  
 DOUGLASS MACKEY, :  
 :  
 Defendant. :  
 :  
 - - - - -X

TRANSCRIPT OF JURY SELECTION  
BEFORE THE HONORABLE JUDGE RAMON REYES

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1 (In open court.)

2 THE COURT: Anything before we call in -- actually  
3 yes. Juror Number 56, Michael Signora, has told us that he  
4 has a work trip to Arizona scheduled to begin next Friday.

5 Any objection to excusing him?

6 MR. BUFORD: No your Honor . I think we excused a  
7 juror with a similar commitment for next Friday, yesterday.

8 THE COURT: Mr. Frisch?

9 MR. FRISCH: No.

10 THE COURT: Juror Number 56 is excused.

11 Juror number 60, Leonard Shostak has a 4 o'clock  
12 appointment today. And I propose that we wait to see if we  
13 get to him before then, Which we may, and he has a lot of  
14 affirmative responses. As the day progresses, if it looks  
15 like we will not get to him before 4 o'clock, I suggest we  
16 excuse him.

17 Anything else that we need to talk about before --

18 MR. BUFORD: Not from the Government, your Honor.

19 THE COURT: All right.

20 (Prospective juror enters.)

21 Good morning, Mr. Gilreath. Charles Gilreath,  
22 Juror Number 46.

23 Mr. Gilreath, this case has received some degree  
24 of media attention. Have you read, heard, or seen anything  
25 in the media, on the internet, or on social media about this

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1 case or about the defendant, Douglass Mackey, a/k/a Ricky  
2 Vaughn before today?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: This case involves various  
5 individuals, including the defendant, Douglass Mackey, who  
6 had strong political preferences during the 2016  
7 presidential election campaign, including individuals who  
8 supported President Donald Trump and individuals who  
9 supported presidential candidate Hillary Clinton.

10 Do you have strong feelings or opinions related to  
11 the 2016 presidential election campaign or to the two  
12 candidates in that campaign such that it would overcome your  
13 duty to judge this case fairly and impartially?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: Do you have any experience with what  
16 you perceive to be deliberately false or misleading  
17 information on the internet or on social media?

18 THE PROSPECTIVE JUROR: Explaint that again.

19 THE COURT: Sure.

20 Do you have any experience with what you perceived  
21 to be false or misleading information on the internet or  
22 social media?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: T trial, you may hear some language  
25 that you may find to be offensive. You should not assess

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1 that evidence based on whether you find it to be offensive  
2 or not, but rather on whether that evidence tends to prove  
3 or disprove the elements of the crime.

4 If you found some evidence offensive, would you be  
5 able to set aside those feelings or opinions and objectively  
6 hear and consider that evidence and follow the Court's  
7 instructions on the law?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: I know you raised your number in the  
10 big room to the question of prior jury service.

11 THE PROSPECTIVE JUROR: Correct.

12 THE COURT: Tell me about that. When, where, what  
13 kind of case, and whether you deliberated to a verdict or  
14 not.

15 THE PROSPECTIVE JUROR: I don't remember when.  
16 Probably years back maybe at least six, seven years, at  
17 least. It was an extortion case. And I did sit on the jury  
18 and we did deliberate.

19 THE COURT: And you rendered a verdict?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay.

22 But when you say it was an extortion case, do you  
23 mean it was a criminal case?

24 THE PROSPECTIVE JUROR: Criminal.

25 THE COURT: Okay. As I told you folks yesterday,

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1 the trial has been moved to March 20th, Monday, through  
2 March 31st, at the very latest, but it's more likely that it  
3 will end sooner than that. Is there any reason this would  
4 cause you a genuine hardship if you were selected to serve  
5 on this jury?

6 THE PROSPECTIVE JUROR: I might be trying to go to  
7 Germany to see my first grandson.

8 THE COURT: Do you have confirmed plans already?

9 THE PROSPECTIVE JUROR: Not yet.

10 THE COURT: Have you, a family member, or close  
11 friend ever been charged with a crime, convicted of a crime,  
12 been the subject of a criminal investigation, been a witness  
13 to a crime, been a witness in a grand jury investigation, or  
14 been questioned in any matter by law enforcement officers,  
15 or been the victim of a crime? In other words, have you, a  
16 family member, or close friend ever been involved in the  
17 criminal justice system?

18 THE PROSPECTIVE JUROR: Yes, I have my brothers.

19 THE COURT: You brothers?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Can you tell me about that?

22 THE PROSPECTIVE JUROR: A lot of drug crimes, you  
23 know, possession, things like that. And, over time, they  
24 end up getting time.

25 THE COURT: So there were -- some of your brothers

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1 had been convicted of drug crimes and did some time in  
2 prison?

3 THE PROSPECTIVE JUROR: Correct.

4 THE COURT: Is there anything about that that  
5 would affect your ability to be fair and impartial in this  
6 case?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Have you, a family member, or a close  
9 friend ever been a party to a legal action against or had a  
10 dispute with the United States or any of its agencies or  
11 employees?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: You live in Roosevelt?

14 THE PROSPECTIVE JUROR: Correct.

15 THE COURT: How long have you lived there?

16 THE PROSPECTIVE JUROR: All my life.

17 THE COURT: Do you own or do you rent your home?

18 THE PROSPECTIVE JUROR: I own.

19 THE COURT: Do you live with anyone?

20 THE PROSPECTIVE JUROR: My wife and two of my  
21 children.

22 THE COURT: What does your wife do for a living?

23 THE PROSPECTIVE JUROR: She works for Citibank,  
24 information security.

25 THE COURT: And your children that live with you,

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1 are they working, or are they school-aged?

2 THE PROSPECTIVE JUROR: No, they're working.

3 THE COURT: What do they do for a living?

4 THE PROSPECTIVE JUROR: My daughter is a nurse's  
5 assistant, and my son is pursuing his music career right  
6 now.

7 THE COURT: Are you working?

8 THE PROSPECTIVE JUROR: Yes, I am.

9 THE COURT: What do you do for a living?

10 THE PROSPECTIVE JUROR: I'm a high school phys ed  
11 teacher and track coach.

12 THE COURT: What is the highest level of education  
13 that you've completed?

14 THE PROSPECTIVE JUROR: I have a master's plus 45  
15 credits.

16 THE COURT: Have you ever served in the military?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Where do you get your news from?  
19 Newspapers, radio, TV, internet, social media, podcasts?  
20 What?

21 THE PROSPECTIVE JUROR: A little bit of  
22 everything; newspaper, internet.

23 THE COURT: Are there any particular networks that  
24 you get your news from or internet sources that you can tell  
25 us about?

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1 THE PROSPECTIVE JUROR: Mostly, if I really watch  
2 news, it's usually CNN.

3 THE COURT: And on the internet and social media,  
4 is there anything in particular that you get it from, the  
5 new?

6 THE PROSPECTIVE JUROR: I just scan. Whatever  
7 catches my eye.

8 THE COURT: Okay. Do you -- other than getting  
9 news from the internet, do you use the internet and social  
10 media for anything else? If so, what platforms do you use?

11 THE PROSPECTIVE JUROR: I use Instagram, Facebook.

12 THE COURT: How frequently do you use them?

13 THE PROSPECTIVE JUROR: Once or twice a week.

14 THE COURT: Okay. Have you ever been involved in  
15 voter education, or voter registration, or get-out-the-vote  
16 efforts?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: What are your hobbies? How do you  
19 spend your leisure time?

20 THE PROSPECTIVE JUROR: Coaching track, and  
21 spending -- vacation with the family.

22 THE COURT: Are there any television shows or  
23 radio programs that you regularly watch or listen to?

24 THE PROSPECTIVE JUROR: *Survivor*.

25 THE COURT: *Survivor*? Okay.



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1           Is there any reason why you cannot be fair and  
2 impartial in this case?

3           THE PROSPECTIVE JUROR: I thought about that over  
4 the past couple days. If it has anything to do with  
5 suppression of voters, I don't think I can be partial to  
6 that, if it has something to do with suppressing votes.

7           THE COURT: How so? Tell me a little bit more  
8 about that.

9           THE PROSPECTIVE JUROR: I have certain feelings  
10 toward anybody that I might feel that tried to suppress some  
11 type of voting being. Being an African American and things  
12 that we went through, it's kind of a soft spot for me to  
13 feel that somebody would oppress other people to get out and  
14 vote.

15           THE COURT: Would those feelings that you have  
16 overcome your duty to weigh the evidence and consider it  
17 impartially and fairly? Meaning, if the Government would  
18 fail to meet its burden of proof to prove by beyond a  
19 reasonable doubt that the defendant committed this crime and  
20 the crime was -- had something to do with voting, if the  
21 Government would fail to meet its burden of proof, would you  
22 have any hesitation in rendering a verdict of not guilty?

23           THE PROSPECTIVE JUROR: No.

24           THE COURT: Flip side.

25           If the Government would meet its burden of

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1 proof -- it proved beyond a reasonable doubt all of the  
2 elements of the crime, would you have any hesitance in  
3 finding the defendant guilty?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: Okay.

6 So, in other words, you have these -- you do have  
7 feelings about voter suppression, let's call it.

8 THE PROSPECTIVE JUROR: Right.

9 THE COURT: But if -- would these feelings  
10 overcome your duty to be fair and impartial? And I just  
11 asked you if the Government would fail to meet its burden of  
12 proof, would you hesitate to find the defendant not guilty?  
13 So it seems to me that your feeling would not overcome your  
14 duty to be fair and impartial.

15 THE PROSPECTIVE JUROR: That's correct.

16 THE COURT: Is there anything about this case that  
17 would cause you to favor one side over the other?

18 THE PROSPECTIVE JUROR: No. I think I can sit and  
19 listen practically to both sides.

20 THE COURT: Will you be able to set aside any  
21 sympathies or biases you may have for any of the parties in  
22 this case and render an impartial verdict based solely on  
23 the evidence presented in the court and the law as given to  
24 you by Judge Garaufis?

25 THE PROSPECTIVE JUROR: Yes.

Sidebar

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1 THE COURT: Are there any follow-up questions for  
2 Mr. Gilreath?

3 MR. BUFORD: None for the Government, Your Honor.

4 MR. FRISCH: Your Honor, I have two. One of  
5 them -- can I say it in open court? I won't be  
6 controversial?

7 THE COURT: Sure.

8 MR. FRISCH: Can you inquire from Mr. Gilreath  
9 about -- I take it there's a grandson on -- a grandchild on  
10 his or her way and what he meant by a possible trip to  
11 Germany?

12 THE COURT: Sure.

13 Is your grandson born?

14 THE PROSPECTIVE JUROR: No. He's going to be born  
15 -- my son is in the military.

16 THE COURT: When is your daughter in law's due  
17 date?

18 THE PROSPECTIVE JUROR: End of March, just trying  
19 to figure out if we're going to go.

20 MR. FRISCH: I'm sorry.

21 THE COURT: Go ahead.

22 MR. FRISCH: And the other I should ask at  
23 sidebar.

24 THE COURT: Okay.

25 (Sidebar.)

Sidebar

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1           MR. FRISCH: I challenge Mr. Gilreath because, and  
2 I don't mean this to be in any way disrespectful because I  
3 know what you're trying to do, we're trying to get a jury to  
4 move on with our lives, and I appreciate that. At the same  
5 time, when I question -- I cannot relate adequately to the  
6 African American experience. We all have our life  
7 experience, and some types are unfortunate, but I can't  
8 relate to the historical oppression of black people in this  
9 country. I have empathy, but I don't understand it. I  
10 don't think it's something that someone who is obviously a  
11 thoughtful and good man like this can put aside when he  
12 specifically says that he would have difficulty dealing with  
13 a case which deals with voter suppression of African  
14 Americans, which is precisely what this case is about. I  
15 think when someone like him; a thoughtful man, saying  
16 something like that, he should be struck, he should be  
17 excused. Now, the Government will say, well, he's  
18 thoughtful he said, but this is right to the core of the  
19 case. And I think that expression for someone that has his  
20 life experience, he's not the right juror for this case,  
21 given how he expressed it and what he said.

22           Just one last thing so I can make a record. He  
23 said I have a number of days to think about this. And he's  
24 had a lifetime to think about that. That, I don't  
25 appreciate. That, I can't fully appreciate given that I'm

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1 not black. And I think he should just be struck, given the  
2 nature of this case.

3 I might also add just, so your Honor knows one of  
4 the issues that is subdued to say before Judge Garaufis,  
5 the Government has expressed its view very strongly using  
6 the words we feel very strongly about this, and I have taken  
7 the opposite view, very strongly, and other some people in  
8 chance have used racial epithets, and have said things that  
9 are very vile. And whether or not they're there because  
10 it's for the shock value or something else, the Government's  
11 view, and they have been very expressed about this, is that  
12 my client's racial animus is significant and has probative  
13 value in proving their allegation of deception. That's  
14 another reason why, as much as I respect Mr. Gilreath, he's  
15 not the right juror for this case.

16 MR. BUFORD: Judge, I don't know that that that's  
17 giving the juror enough credit. He said that he has had a  
18 couple days to think about it. The question is whether he  
19 can put aside his biases and anything that he may bring to  
20 the Court outside of the courtroom and focus on the  
21 evidence. Your Honor squarely put the question to him, and  
22 I think he answered truthfully.

23 THE COURT: I'll overrule the objection to the  
24 change. Mr. Gilreath will sit.

25 (Sidebar ends.)

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1 THE COURT: Okay, Mr. Gilreath. How do you  
2 pronounce it?

3 THE PROSPECTIVE JUROR: You said it right.

4 THE COURT: They will take you into the other room  
5 and we'll continue with our process. You will get to the  
6 next phase, which will hopefully happen at the end the day.

7 THE PROSPECTIVE JUROR: Okay, thank you.

8 (Prospective juror exits.)

9 THE COURT: We were just informed that Jurors 47  
10 and 48 have not yet arrived. But we have 49 and 50 ready to  
11 get. So let's -- if they're not here, we can't take them.  
12 I'm not going to excuse them yet, but we just need to  
13 continue.

14 MR. BUFORD: Okay, your Honor.

15 MR. FRISCH: While we're waiting, can I just  
16 articulate one more thing for the record?

17 THE COURT: Yes.

18 MR. FRISCH: And if you don't mind, I don't want  
19 to be disrespectful by sitting.

20 THE COURT: That's fine.

21 MR. FRISCH: One other thing about Mr. Gilreath  
22 that strikes me is that if his -- if the jury is  
23 deliberating when his grandson is born, notwithstanding --  
24 I'll finish after this juror?

25 THE COURT: Yes.

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1 (The prospective juror enters.)

2 THE COURT: This is Juror Number 49. James  
3 Latopolski.

4 THE PROSPECTIVE JUROR: That's correct. I'm just  
5 going to...

6 THE COURT: No, that's fine, that's fine. You're  
7 okay.

8 Good morning, Mr. Latopolski. This case has  
9 received some degree of media attention. Have you read,  
10 heard, or seen anything in the media, on the internet, or on  
11 social media about this case or about the defendant,  
12 Douglass Mackey, otherwise known as Ricky Vaughn, before  
13 today?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: This case involved various  
16 individuals, including the defendant, Douglass Mackey, who  
17 had strong political preferences during the 2016  
18 presidential election campaign. Including individuals who  
19 supported President Donald Trump and individuals that  
20 supported presidential candidate Hillary Clinton.

21 Do you have strong feelings or opinions related to  
22 the 2016 presidential election campaign or to the two  
23 candidates in that campaign, such that it would overcome  
24 your duty to judge this case fair and impartially?

25 THE PROSPECTIVE JUROR: I cannot say anything of

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1 the sort.

2 THE COURT: Do you have any experience with what  
3 you perceive to be deliberately false or misleading  
4 information on the internet or on social media?

5 THE PROSPECTIVE JUROR: I have seen misleading  
6 posts of various topics. Not necessarily politicians  
7 exclusively, but I haven't posted them myself. I've only  
8 seen them.

9 THE COURT: The fact that you've seen these things  
10 that are, you perceive to be misleading, will that affect  
11 your ability to be a fair and impartial juror in in case?

12 THE PROSPECTIVE JUROR: I do not anticipate that  
13 to be the case.

14 THE COURT: At trial, you may hear some language  
15 that you may find to be offensive. You should not assess  
16 that evidence based on whether you find it to be offensive  
17 or not. But rather, based on whether it tends to prove or  
18 disprove the elements of the crime. If you found some of  
19 the evidence offensive, would you be able to set aside those  
20 feelings or opinions and consider it fairly and impartially?

21 THE PROSPECTIVE JUROR: Yes. Or at least make a  
22 sincere attempt.

23 THE COURT: You raised your Juror Number to a  
24 number of questions in the big room, ceremonial courtroom;  
25 do you have any close friends or relatives who are lawyers,



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1 work for lawyers or a judge, family members or close friends  
2 ever worked for law enforcement, close friends, family  
3 members who are members of law enforcement, and whether you  
4 have beliefs concerning law enforcement, whether positive or  
5 negative, that would prevent you from being fair and  
6 impartial in this case.

7 So please tell me about, first your relationships  
8 or your family members relationships with lawyers, law  
9 enforcement and the like.

10 THE PROSPECTIVE JUROR: I have friends who are  
11 attorneys of various natures. I'm not sure if it's  
12 exclusive to criminal defense, but I do have friends of  
13 various natures within alumni groups and other financial  
14 groups that I do partake in outside of this.

15 My sister was a former police academy candidate  
16 and she was engaged to a police officer who has since  
17 passed. Not in the line of duty, but in general. And I  
18 have been heavily pro- police in other unrelated  
19 developments. Not necessarily -- not exclusively the areas  
20 of this case, but in general, I have been in favor of law  
21 enforcement in other unrelated concerns. But not in an  
22 official, like, jury capacity. Just conversations or  
23 musings when I read the paper.

24 THE COURT: A few things about that. Your pro-  
25 police beliefs and feelings. Would they overcome your duty

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1 to be fair and impartial in this case? And in other words,  
2 would you be more inclined to vote for conviction,  
3 regardless of what the evidence showed just because there  
4 might be some law enforcement involvement in the case?

5 THE PROSPECTIVE JUROR: I'll make a sincere  
6 attempt to overcome that basis.

7 THE COURT: Can you be successful in that attempt  
8 and put aside your pro-police beliefs and -- if the  
9 Government presents evidence that fails to convince you  
10 beyond a reasonable doubt that Mr. Mackey is guilty, would  
11 you have any hesitation in rendering a verdict of not guilty?

12 THE COURT: Would you repeat that question,  
13 please?

14 THE COURT: Sure.

15 If the Government would fail to meet its burden of  
16 proof through the evidence to prove by a beyond a reasonable  
17 doubt that Mr. Mackey is guilty of the crime, the Government  
18 doesn't meet its burden of proof, would your pro-police  
19 beliefs overcome that government's failure and you would  
20 still vote to convict Mr. Mackey?

21 THE PROSPECTIVE JUROR: I would still render a  
22 fair verdict under those circumstances.

23 THE COURT: That's all we ask jurors to do is, if  
24 they have beliefs, opinions, put them aside and be fair and  
25 impartial and judge the evidence that's presented in court

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1 fairly and impartially without their preconceived notions  
2 and bias. You can do that?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: You may have learned things about the  
5 law from people that you know that, or lawyers, or, in law  
6 enforcement. Can you put aside whatever you may have  
7 learned from them and judge this case based on the law that  
8 Judge Garaufis tells you applies?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: So the trial is going to last from  
11 March 20th to March 31st. Is there any reason why this  
12 would cause you a genuine hardship if you were selected to  
13 serve on this jury?

14 THE PROSPECTIVE JUROR: I would say minor work  
15 issues, but I don't have anything like doctor appointments  
16 or vacations. Like minor.

17 THE COURT: Have you, a family member, or a close  
18 friend ever been charged with a crime, convicted of a crime,  
19 or been the subject of a criminal investigation? Been a  
20 witness to a crime, witness in a grand jury investigation,  
21 or been questioned in any matter by law enforcement  
22 officers, or been a victim of any crime? In other words;  
23 have you, a family member, or close friend ever been  
24 involved in the criminal justice system?

25 THE PROSPECTIVE JUROR: Yes.

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1 THE COURT: Tell me about that, please.

2 THE PROSPECTIVE JUROR: My mother was convicted of  
3 shoplifting later in life, and my sister was the victim of  
4 sexual assault.

5 THE COURT: Is there anything about those  
6 experiences that would affect your ability to be fair and  
7 impartial in this case?

8 THE PROSPECTIVE JUROR: I would say, yes, if  
9 anything involved something of a graphic or, you know, of a  
10 graphic or sexual nature. I mean, it has riled me up in the  
11 past.

12 THE COURT: I can assure you that there's not --  
13 well, I don't believe this case involves graphic sexual  
14 content. So --

15 THE PROSPECTIVE JUROR: I, I, in that particular,  
16 then no. I don't anticipate any effects.

17 THE COURT: Have you, a family member, or close  
18 friend ever been a party to a legal action against or had a  
19 dispute with the United States or any of its agencies or  
20 employees?

21 THE PROSPECTIVE JUROR: Not federal agencies, but  
22 certain state agencies involving housing.

23 THE COURT: You've had some claims or some housing  
24 issues with the state government?

25 THE PROSPECTIVE JUROR: My father. I don't

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1 remember the details.

2 THE COURT: Is that going to affect your ability  
3 to be fair and impartial in this case?

4 THE PROSPECTIVE JUROR: No, I don't think.

5 THE COURT: Mr. Latopolski, you live in Floral  
6 Park, correct?

7 THE PROSPECTIVE JUROR: That's right.

8 THE COURT: How long have you lived there?.

9 THE PROSPECTIVE JUROR: My entire life.

10 THE COURT: Do you own, rent?

11 THE PROSPECTIVE JUROR: I live with my family, so  
12 none of the above.

13 THE COURT: What do your parents do for a living?

14 THE PROSPECTIVE JUROR: My mother is disabled, my  
15 father is retired.

16 THE COURT: What is your father retired from?

17 THE PROSPECTIVE JUROR: New York City Transit.  
18 He's been there for nearly four decades.

19 THE COURT: Anyone else live with you?

20 THE PROSPECTIVE JUROR: Yes, my sister.

21 THE COURT: Is this the one that was in the police  
22 academy?

23 THE PROSPECTIVE JUROR: That's right.

24 THE COURT: What does she do for a living?

25 THE PROSPECTIVE JUROR: Social worker.

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1 THE COURT: What do you do for a living?

2 THE PROSPECTIVE JUROR: I work for the New York  
3 city comptroller's office.

4 THE COURT: In what capacity.

5 THE PROSPECTIVE JUROR: Technically, it's within  
6 the bureau of asset management. They are the financial  
7 division of the elected official.

8 THE COURT: What is your highest level of  
9 education completed?

10 THE PROSPECTIVE JUROR: Graduate school. I'm in  
11 economics.

12 THE COURT: Have you ever served in the military?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Where do you get your news from?

15 THE PROSPECTIVE JUROR: Mostly *The Wall Street*  
16 *Journal*. I read it on an app on my phone, but it's  
17 essentially the paper itself.

18 THE COURT: Do you ever get your news through TV,  
19 social media, podcasts, newspapers, other than *The Wall*  
20 *Street Journal*?

21 THE PROSPECTIVE JUROR: I watch the Nightly News,  
22 both the local nature -- either channel -- either ABC or  
23 NBC, or the national news that's on after that. Like the  
24 one with Lester Holt, or something newer on ABC. And I do  
25 stumble on things here and there on social media, but I

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1 can't say I've read that as in depth as I would, what I see  
2 on TV or *The Wall Street Journal*.

3 THE COURT: What social media or internet  
4 platforms do you use?

5 THE PROSPECTIVE JUROR: Mostly Facebook and  
6 Instagram. I mean, I wouldn't say anything outrageously  
7 different than the typical online consumer.

8 THE COURT: Are you concerned at all about the  
9 reliability of the information that you find on the internet  
10 or on social media?

11 THE PROSPECTIVE JUROR: I'd say somewhat. I mean,  
12 there is a lot of misinformation online, but that was well  
13 before the rise of social media. But, yes, I'm concerned  
14 that anybody can post anything about anything.

15 THE COURT: Will your concerns about the  
16 reliability of information on social media or the internet  
17 affect your ability to be fair and impartial in this case?  
18 In other words, would you look beyond the evidence that's  
19 presented in determining what your verdict would be and rely  
20 on your concerns about the reliability of social media.

21 THE PROSPECTIVE JUROR: I would make a sincere  
22 attempt to overcome those concerns.

23 THE COURT: We have to be sure that jurors --

24 THE PROSPECTIVE JUROR: I mean, it would depend  
25 entirely on what I've heard. I really can't anticipate

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1 anything.

2 THE COURT: So your decision, your verdict would  
3 depend upon the evidence presented; is that fair?

4 THE PROSPECTIVE JUROR: Right.

5 THE COURT: Have you ever been involved in voter  
6 education, or voter registration, or any get-out-the-vote  
7 efforts?

8 THE PROSPECTIVE JUROR: I handed out pamphlets  
9 when I was a teenager. I can't think of anything past that.

10 THE COURT: Pamphlets for a particular candidate  
11 or --

12 THE PROSPECTIVE JUROR: No, no. Just voting in  
13 general. Again, this is well over -- well over 20 years  
14 ago.

15 THE COURT: What are your hobbies? How do you  
16 spend your leisure time?

17 THE PROSPECTIVE JUROR: I mostly watch the news; I  
18 sightsee; I used to do fencing, and I am trying to get back  
19 into it; and travel.

20 THE COURT: Are there any television shows or  
21 radio programs that you regularly read, or watch, or listen  
22 to?

23 THE PROSPECTIVE JUROR: I'd say -- I would  
24 definitely say *New York Live* is something of -- *New York*  
25 *Live* and travel-type shows, and occasionally action movies,



Sidebar

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1 and certain game shows like *Wipe Out* or *The Chase*.

2 THE COURT: No radio?

3 THE PROSPECTIVE JUROR: I listen to CBS FM mostly  
4 in the morning. I do like their morning shows. Sometimes I  
5 listen to Sirius XM, mostly rock and metal stations.

6 THE COURT: Is there any reason why you can not be  
7 fair and impartial in this case?

8 THE PROSPECTIVE JUROR: I'd say that inflammatory  
9 comments can -- I'd say certain inflammatory or subject  
10 materials can get to anybody, and this is -- and this  
11 doesn't necessarily have to be anything preconceived,  
12 just -- it's easy to get anybody to believe a certain thing  
13 even if they are not aware of it beforehand.

14 THE COURT: Would that belief that you have  
15 overcome your ability to judge the evidence fairly and  
16 impartially? Meaning, if the evidence does not support a  
17 verdict, you will not render that verdict?

18 THE PROSPECTIVE JUROR: I would definitely make a  
19 sincere attempt to consider the evidence, but, I mean, no  
20 one knows, like, anything in advance. I can't...

21 THE COURT: Okay. Is there anything about this  
22 case that would cause you to favor one side over the other?

23 THE PROSPECTIVE JUROR: Not based on what I've  
24 initially heard.

25 THE COURT: Do you think you will be able to set

Sidebar

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1     aside your sympathies and biases, any that you may have, for  
2     any of the parties in this case and render an impartial  
3     verdict based solely on the evidence presented and the laws  
4     given to you by Judge Garaufis?

5             THE PROSPECTIVE JUROR: I think I'd able to,  
6     but...

7             THE COURT: You think you are?

8             THE PROSPECTIVE JUROR: Yeah, I think so.

9             THE COURT: Any follow-up questions for  
10    Mr. Latopolski?

11            MR. BUFORD: Not from the Government, your Honor.

12            MR. FRISCH: I have one. May we approach?

13            THE COURT: Sure.

14            (Sidebar.)

15            MR. FRISCH: So I appreciate what this prospective  
16    juror is saying about his sincere efforts, but he's also  
17    saying he has basis and he's also concerned about things  
18    that are inflammatory. And the very nature of this case is  
19    inflammatory. So it seems, to me, under these circumstances  
20    while I don't -- while he is speaking about making a sincere  
21    effort, we should have somebody who has promised the Court  
22    that number one; that they don't have the bias to begin  
23    with. And number two; we want more than a sincere effort.  
24    We want someone who is unbasised to begin with. That's the  
25    purpose of this exercise. That's number one. Number two,

1 just so I can finish this while we're here, with regard to  
2 the prior juror, Mr. Gilreath, who I wanted to add was the  
3 interplay between his expressed concerns about the nature of  
4 the case generally, and the birth of his grandson. His  
5 grandson could come, for example, towards end of the case  
6 and during deliberation. And if the juror is struggling and  
7 he knows his grandson is waiting to meet him, that might be  
8 a bad moment, difficult moment, for him and he could tip the  
9 scales toward convicting so he can get to meet his grandson.  
10 So for that reason, I renew my motion for cause my challenge  
11 for cause, and I also challenge this juror for cause because  
12 I think we should be looking for jurors who don't have that  
13 basis and can tell us that they're going to make a sincere  
14 effort and not that they can't predict the future but that  
15 they don't come with a basis.

16 MR. BUFORD: So, your Honor, unlike Mr. Gilreath,  
17 the answers here have been more equivocal because a sincere  
18 effort, I think at minimum, the Court should insist upon a  
19 firm answer that he will overcome those basis. In the  
20 absence of anything else, we don't object.

21 THE COURT: The answer is we have no objection to  
22 dismissing him. Let's -- we're going to be here tomorrow.  
23 The way this is going, we're going to be here tomorrow. And  
24 might not be able to get done with that. So let's get  
25 doing. All right, he's dismissed. Mr. Gilreath is going to

Jury Selection

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1 stay.

2 (Sidebar ends.)

3 THE COURT: Thank you, Mr. Lotopolski. I'm going  
4 to excuse you from serving on this jury. You can go to the  
5 central jury room. They will give the further instructions,  
6 okay?

7 THE PROSPECTIVE JUROR: Thank you very much.

8 (Prospective juror excused.)

9 THE COURT: Do we have 47 and 48 yet? Number 50,  
10 Steven Vaccaro, who did not raise his number to any  
11 questions.

12 THE COURTROOM DEPUTY: Judge, we do have 47 and 48  
13 ready.

14 THE COURT: Okay. Number 47, Rajiv Krishnaswamy.  
15 (Prospective juror enters.)

16 THE PROSPECTIVE JUROR: Good morning.

17 THE COURT: Good morning, Mr. Krishnaswamy.

18 This case has received some degree of media  
19 attention.

20 Have you read, heard, or seen anything in the  
21 media, on the internet, or on social media about this case  
22 or about the defendant, Douglass Mackey, otherwise known as  
23 Ricky Vaughn, before today?

24 THE PROSPECTIVE JUROR: Not on social media or  
25 anything, but I've been hearing rumors while waiting in the

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1 past two days about people who claimed to have opinions on  
2 the knowledge of the case, so I have heard some of that  
3 chatter and, yes, all honestly.

4 THE COURT: From other jurors?

5 THE PROSPECTIVE JUROR: Yes. Unintentionally I  
6 was just part of groups and people talked. I personally  
7 haven't read about the case.

8 THE COURT: Have you formed any ideas, opinions,  
9 or conclusions about the facts of this case or about  
10 Mr. Mackey, based on the things you overheard other jurors  
11 talking about?

12 THE PROSPECTIVE JUROR: I don't think so. I  
13 had -- when I read the indictment, I had some thoughts on  
14 it, but not from what I heard from the jurors.

15 THE COURT: When did you read the indictment?

16 THE PROSPECTIVE JUROR: When you read it to us in  
17 the -- on the first day.

18 THE COURT: Okay. You understand that the  
19 indictment is not evidence, it is just the document that the  
20 Government uses to bring charges against someone.

21 THE PROSPECTIVE JUROR: I think I understand that.

22 THE COURT: Can you set aside anything that you  
23 may have heard from other jurors or any thoughts you may  
24 have had -- may have developed based on me explaining the  
25 case to you and objectively hear -- listen and hear to the

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1 evidence that's presented in court and --

2 THE PROSPECTIVE JUROR: I think I can.

3 THE COURT: All right.

4 This case involves various individuals, including  
5 the defendant, Douglass Mackey, who had strong political  
6 preferences during the 2016 presidential election campaign,  
7 including individuals who supported President Donald Trump  
8 and individuals who supported president candidate Hillary  
9 Clinton.

10 Do you have strong feelings or opinions related to  
11 the 2016 presidential election campaign or to the two  
12 candidates in that campaign such that it would overcome your  
13 duty to judge this case fairly and impartially?

14 THE PROSPECTIVE JUROR: I -- I would be lying if I  
15 said I don't have strong feelings on the 2016 election, but  
16 I still think I can judge a case impartially.

17 THE COURT: Do you have any experience with what  
18 you perceive to be deliberately false or misleading  
19 information on the internet or on social media?

20 THE PROSPECTIVE JUROR: A lot. Especially me  
21 trying to convince my family members regarding from  
22 elections to Covid and all of that. So, yes, I have seen  
23 that being passed around in, like, my family, WhatsApp  
24 groups, and things like that, and I have tried to, like,  
25 give my opinion on that.

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1           THE COURT: Would your experiences with such  
2 information affect your ability to be fair and impartial in  
3 this case?

4           THE PROSPECTIVE JUROR: Again, I don't think so.  
5 I believe I can try to be fair and impartial.

6           THE COURT: At trial, you may hear some language  
7 that you may find to be offensive. You should not assess  
8 that evidence based on whether you find it to be offensive  
9 or not, but rather on whether that evidence tends to prove  
10 or disprove the elements of the crime. If you found some  
11 evidence to be offensive, would you be able to set aside  
12 your feelings about its offensiveness and objectively hear  
13 and consider the evidence presented and follow the Court's  
14 instructions on the law?

15           THE PROSPECTIVE JUROR: Yes. No problem on that  
16 front.

17           THE COURT: Do you have any close friends or  
18 relatives who are lawyers, or work for lawyers, work for a  
19 judge, or in a courthouse? You raised your --

20           THE PROSPECTIVE JUROR: Yes, I have friends who  
21 are lawyers, not criminal law. They -- you know, they were,  
22 like -- some of them were classmates from engineering -- I  
23 did engineering -- and they went to do, like, IP law,  
24 working on that front. So I don't know any criminal or, you  
25 know, prosecutors for criminal law. But for lawyers who did

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1 IP and things like that, I know some people.

2 THE COURT: I don't think this case is going to  
3 involve any intellectual property law, so you should be  
4 good. But you have to take the law from Judge Garaufis. He  
5 will tell you what law applies, and you have to apply that  
6 law. You can you do that?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: The trial is going to start on  
9 March 20th and go until March 31st at the latest.

10 Is there any reason, if you were picked to be a  
11 juror in this case, that that would cause you a genuine  
12 hardship?

13 THE PROSPECTIVE JUROR: Just personal -- not  
14 genuine hardship. So, no, I think I can do it.

15 THE COURT: Have you, a family member, or close  
16 friend ever been charged with a crime, convicted of a crime,  
17 or been the subject of a criminal investigation, been a  
18 witness to crime, been a witness in a grand jury  
19 investigation, or been questioned in any manner by law  
20 enforcement officers, or been a victim of a crime? In other  
21 words, have you been involved in the criminal justice  
22 system?

23 THE PROSPECTIVE JUROR: I have. So I was the  
24 victim of a crime. This was -- it's been a while now,  
25 closing in on ten years. What happened was, you know, I



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1 live in a two-family home with my wife's grandmother and  
2 in-laws living on the ground floor, and me and my wife  
3 having, like, the top floor. It so happened one morning, I  
4 was actually at home because I was recovering from an  
5 accident, my arm was in a sling, and my wife's 90-year-old  
6 -- 80-something-year-old grandma, she was on the porch in  
7 the morning, as she usually does. Couple of people took  
8 that opportunity to come into the house because they knew --  
9 they just shoved her aside. And I didn't know it, I was  
10 upstairs, until I started hearing sounds like -- they were  
11 basically ransacking the ground floor.

12 So I come down and I see -- I see two people. I  
13 pretend like: Hey, like, what's it going?

14 Because I was in a sling. I didn't want to get  
15 them angry or anything. They said we're just contractors,  
16 you know, and they walked out with a lot of money. I did --  
17 so I did report that, and then I was questioned by the  
18 police several times. I was called in to try to identify.  
19 So, yeah, that was definitely something that I had to go  
20 through.

21 THE COURT: Would that experience affect your  
22 ability to be fair and impartial in this case?

23 THE PROSPECTIVE JUROR: It has made me feel a  
24 little stronger about criminals in general. But, like I  
25 said earlier, I think I can try to be fair. This case does

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1 seem different.

2 THE COURT: Very different.

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Okay. Have you, a family member, or  
5 close friend, ever been a party to a legal action against,  
6 or had a dispute with the United States or any of its  
7 agencies or employees?

8 THE PROSPECTIVE JUROR: No.

9 (Continued on next page.)

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*Jury Selection*

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1 (Continuing.)

2 THE COURT: You live in Elmhurst?

3 THE PROSPECTIVE JUROR: Yes, Elmhurst, Queens.

4 THE COURT: How long have you lived there?

5 THE PROSPECTIVE JUROR: Since 2012 when I moved in  
6 with my now wife.

7 THE COURT: And you still live in that -- upstairs  
8 of the house that your --

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: -- wife's grandparents own?

11 THE PROSPECTIVE JUROR: We own the house. We  
12 actually bought it from her family, but when I moved in that  
13 time --

14 THE COURT: Gotcha.

15 What does your wife do for a living?

16 THE PROSPECTIVE JUROR: She is a financial risk  
17 manager at a bank.

18 THE COURT: You are an engineer?

19 THE PROSPECTIVE JUROR: Yes, I'm a software  
20 engineer.

21 THE COURT: Okay. Any children?

22 THE PROSPECTIVE JUROR: No. No children.

23 THE COURT: And you have -- what's the highest level  
24 of education you've completed?

25 THE PROSPECTIVE JUROR: I have a master's degree.

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1 THE COURT: Have you ever served in the military?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Where do you get your news from?  
4 Newspapers, radio, television, internet, social media,  
5 podcasts?

6 THE PROSPECTIVE JUROR: Mostly like -- like  
7 newspapers, subscriptions online.

8 THE COURT: What newspapers do you --

9 THE PROSPECTIVE JUROR: Like New York Times, most  
10 commonly, but I do read other stuff, like *The Wall Street*  
11 *Journal* and *Washington Post*, stuff like that.

12 THE COURT: Okay. Do you use the internet and  
13 social media? If so, what platforms and how frequently and  
14 how do use it?

15 THE PROSPECTIVE JUROR: Not -- so I use -- I do use  
16 the internet. I use social media, like, WhatsApp is my -- I  
17 would say my primary one, but I do use the others less so  
18 nowadays than I used to when -- like ten years ago, like when  
19 I was much more active on Facebook and Instagram and all of  
20 that. Now I'm like mostly on WhatsApp with family and  
21 friends, WhatsApp groups. Kind of started in the pandemic and  
22 continued that.

23 THE COURT: Are you concerned about the reliability  
24 of information that you find on the internet and social media?

25 THE PROSPECTIVE JUROR: Wearily. I don't trust in

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1 in general. I prefer mainstream news sources. I mainly  
2 because I mentioned earlier. I had seen the kind of crap that  
3 gets sent around, including my own family members, then I have  
4 to argue with them, so yes.

5 THE COURT: Will your concern about the reliability  
6 of information on the internet and social media affect your  
7 ability to be fair and impartial in this case?

8 THE PROSPECTIVE JUROR: Again, I'm saying I think I  
9 can set aside that and try to be impartial.

10 THE COURT: Have you ever been involved in voter  
11 education or voter registration or any get-out-the-vote  
12 efforts?

13 THE PROSPECTIVE JUROR: I convinced my wife to get  
14 registered, but that was about it.

15 THE COURT: What are your hobbies? How do you spend  
16 your leisure time?

17 THE PROSPECTIVE JUROR: I'm sorry?

18 THE COURT: What are your hobbies? How do you spend  
19 your free time?

20 THE PROSPECTIVE JUROR: My favorite activity is  
21 hiking, going out, like -- try to get out into the woods, in  
22 the hills, as often as I can.

23 THE COURT: Are there any television shows or radio  
24 programs that you regularly watch or listen to?

25 THE PROSPECTIVE JUROR: I listen to some podcasts

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1 currently, mostly related to things like the Ukraine war, but  
2 otherwise it's reality TV like Survivor or something like  
3 that.

4 THE COURT: Is there any reason why you cannot be  
5 fair and impartial in this case?

6 THE PROSPECTIVE JUROR: I -- other than the points  
7 you asked me and I mentioned, I believe I can try to be fair  
8 and impartial.

9 THE COURT: Is there anything about this case that  
10 would cause you to favor one side over the other?

11 THE PROSPECTIVE JUROR: No, I think I can try to be  
12 fair.

13 THE COURT: Will you be able to set aside any  
14 sympathies or biases you may have for any of the parties in  
15 this case and render an impartial verdict based solely on the  
16 evidence presented in court and the law as given to you by  
17 Judge Garaufis?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Is there any follow-up for  
20 Mr. Krishnaswamy?

21 MR. BUFORD: No, Your Honor.

22 MR. FRISCH: Not for this prospective juror, but  
23 after this prospective juror leaves, if I can have a moment to  
24 make a record about something unrelated.

25 THE COURT: Sure.

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1           Okay. Mr. Krishnaswamy, they will take you into the  
2 other courtroom, you've survived this round and we will get to  
3 you later in the day.

4           Thank you.

5           (The prospective juror exits.)

6           MR. FRISCH: May I, Judge?

7           THE COURT: Yes.

8           MR. FRISCH: I'm concerned that apparently according  
9 to Mr. -- to Juror Number 47 that there are jurors in the  
10 ceremonial courtroom or otherwise who have been talking about  
11 the case. That's a concern. I wonder if, as a -- at least a  
12 partial remedy, Your Honor asks the next folks coming in if  
13 they've heard discussion in the jury room about the case and  
14 make an inquiry. And I would also, in addition to that, next  
15 time you speak to the group for scheduling purposes or  
16 otherwise, to admonish them not to be talking about the case.

17           MR. BUFORD: Agree on both fronts, Your Honor.

18           THE COURT: I think it makes sense to do that now so  
19 I'm going to go talk to them very briefly.

20           Before I go in there, make sure everyone goes and  
21 sits down in the main room.

22           THE LAW CLERK: Okay. Do you want the people  
23 outside --

24           THE COURT: No. I will deal with them individually.

25           THE LAW CLERK: Okay.

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1 THE COURT: You can be seated.

2 (The following took place in the central jury room.)

3 THE COURT: Good morning, ladies and gentlemen.

4 ALL: Good morning.

5 THE COURT: We are continuing our process this  
6 morning, I've already spoken with a couple of your colleagues  
7 individually, and we're going to continue that process  
8 throughout today. Hopefully shortly get to the requisite  
9 number of potential jurors that we need for our panel. But a  
10 couple of people have told me at some point they overheard --  
11 so a couple people have already informed me that they've  
12 overheard other jurors talking about the case. I want to  
13 reiterate to my admonition yesterday that you are not to talk  
14 about the case at all. You don't know anything about the case  
15 really. All you know is the allegations in the indictment  
16 that the Government has made. That is not evidence. You are  
17 not to start to consider whether Mr. Mackey is guilty based  
18 solely upon the indictment or discuss the case with each  
19 other. Don't do that, okay? I just want to reiterate that.

20 When we do the individual questioning process I'm  
21 going to be asking each of you if you've overheard other  
22 jurors discussing the case. I'm not going to ask you to  
23 identify who those people are, but I'm going to ask you if you  
24 overhearing those discussions will affect your ability to be  
25 fair and impartial in this case.



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1           So, please, don't talk about the case, and hopefully  
2 we'll get through this process very quickly, okay? Thank you.

3           (The following took place in Courtroom 2E.)

4           THE LAW CLERK: You ready?

5           (The prospective juror enters.)

6           THE COURT: Yes, Ms. Natalie Leder, number 48, has  
7 only responded to Question 10, which is --

8           Good morning, Ms. Leder.

9           THE PROSPECTIVE JUROR: Good morning.

10          THE COURT: You indicated that you have prepaid  
11 vacation plans or confirmed medical appointments that cannot  
12 be moved over the next two weeks?

13          THE PROSPECTIVE JUROR: I have to take my son back  
14 up to school.

15          THE COURT: When?

16          THE PROSPECTIVE JUROR: College.

17          Probably the weekends. I panicked. I didn't know  
18 the schedule of things.

19          THE COURT: Okay.

20          THE PROSPECTIVE JUROR: So --

21          THE COURT: Which weekend?

22          THE PROSPECTIVE JUROR: This weekends.

23          THE COURT: This weekends coming up?

24          THE PROSPECTIVE JUROR: Yes.

25          THE COURT: You will be back by Monday?

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1           THE PROSPECTIVE JUROR: I would like to believe I  
2 will be. It's -- it's a distance, so that's why -- it's  
3 upstate, so you never know.

4           THE COURT: And you're driving it?

5           THE PROSPECTIVE JUROR: Yes.

6           THE COURT: Okay. I think that should be fine.

7           Have you heard any discussions in the jury room --  
8 overheard any discussions in the jury room from the other  
9 jurors about this case?

10          THE PROSPECTIVE JUROR: No.

11          THE COURT: Now, the case has received some degree  
12 of media attention. Have you read, heard, or seen anything in  
13 the media, on the internet, or on social media about this case  
14 or about the defendant, Douglass Mackey, otherwise known as  
15 Ricky Vaughn, before today?

16          THE PROSPECTIVE JUROR: No.

17          THE COURT: This case involves various individuals  
18 including the defendant, Douglass Mackey, who had strong  
19 political preferences during the 2016 presidential candidate  
20 campaign, including individuals who supported President Donald  
21 Trump and individuals who supported presidential candidate  
22 Hillary Clinton.

23          Do you have strong feelings or opinions related to  
24 the 2016 presidential election campaign or to those two  
25 candidates such that it would overcome your duty to judge this

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1 case fairly and impartially?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Do you have any experience with what you  
4 perceived to be deliberately false or misleading information  
5 on the internet or social media?

6 THE PROSPECTIVE JUROR: Say that again.

7 THE COURT: Sure.

8 THE PROSPECTIVE JUROR: I'm sorry.

9 THE COURT: Do you have any experience with what you  
10 perceive to be deliberately false or misleading information on  
11 the internet or social media?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: At trial, you may hear some language  
14 that you may find to be offensive. You should not assess the  
15 evidence you hear based on whether you find that evidence to  
16 be offensive, but rather, on whether the evidence tends to  
17 prove or disprove the elements of the crime. If you found  
18 some of the evidence to be offensive, would you be able to set  
19 aside those feelings about its offensiveness and objectively  
20 consider it and follow the Court's instructions on the law?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: The trial is going to start Monday,  
23 March 20th, and go to the 31st of March, at the latest. Is  
24 there any reason this would cause you a genuine hardship if  
25 you were asked to serve on this jury?

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1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Have you, a family member, or a close  
3 friend ever been involved in the criminal justice system; for  
4 example, been charged with a crime, convicted of a crime, been  
5 the subject of a criminal investigation, been a witness to a  
6 crime, a witness in a grand jury investigation, questioned by  
7 police, or been the victim of a crime?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Tell me about that.

10 THE PROSPECTIVE JUROR: Witness to a crime. I mean,  
11 I -- I was -- I was burglarized.

12 THE COURT: You were -- your house?

13 THE PROSPECTIVE JUROR: Yeah.

14 THE COURT: How long ago was that?

15 THE PROSPECTIVE JUROR: Oh, it's got to be about 20  
16 -- almost 20 years ago. It was a long time ago.

17 THE COURT: Is there anything about that experience  
18 that would affect your ability to be fair and impartial in  
19 this case?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Have you, a family member, or close  
22 friend ever been a party to a legal action against or had a  
23 dispute with the United States of America or any of its  
24 agencies or employees?

25 THE PROSPECTIVE JUROR: No.

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1 THE COURT: You live in Brooklyn?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: How long?

4 THE PROSPECTIVE JUROR: How long have I --

5 THE COURT: Yes.

6 THE PROSPECTIVE JUROR: Oh, 20 years.

7 THE COURT: Do you own or do you rent your home?

8 THE PROSPECTIVE JUROR: Own it.

9 THE COURT: Do you live with anyone? I take it your  
10 son at least?

11 THE PROSPECTIVE JUROR: My family.

12 THE COURT: Do you have a spouse?

13 THE PROSPECTIVE JUROR: Spouse, three kids.

14 THE COURT: Okay. And what does your spouse do for  
15 a living?

16 THE PROSPECTIVE JUROR: He's disabled.

17 THE COURT: And your kids are -- any of them of  
18 working age? Like, out of school and working?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Okay. Are you working?

21 THE PROSPECTIVE JUROR: Part time.

22 THE COURT: What do you do for a living?

23 THE PROSPECTIVE JUROR: Real estate.

24 THE COURT: What's your highest level of education  
25 completed?

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1 THE PROSPECTIVE JUROR: College.

2 THE COURT: Do you have a Bachelor's?

3 THE PROSPECTIVE JUROR: Bachelor's.

4 THE COURT: Did you ever serve in the military?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: Where do you get your news from?

7 Newspapers, radio, TV, internet, social media, podcasts,  
8 carrier pigeon?

9 THE PROSPECTIVE JUROR: Everywhere. Social media,  
10 of course, *Daily News*, *The Post*, *Washington Post*.

11 THE COURT: Do you get news from TV?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Okay. You mentioned social media.

14 How do you use the internet and social media? Like,  
15 what platforms do you use?

16 THE PROSPECTIVE JUROR: Just social. I mean, like  
17 -- you know, just scrolling.

18 THE COURT: But --

19 THE PROSPECTIVE JUROR: Pass time.

20 THE COURT: Facebook, Twitter, Instagram, Snapchat?

21 THE PROSPECTIVE JUROR: Yeah, Instagram, some  
22 Facebook. Friends, mostly.

23 THE COURT: How frequently do you use social media?

24 THE PROSPECTIVE JUROR: A few times a week.

25 THE COURT: Do you have any concerns about the

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1 reliability of the information that you find on the internet  
2 and social media?

3 THE PROSPECTIVE JUROR: At times.

4 THE COURT: Would that affect your ability to be  
5 fair and impartial in this case?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Have you ever been involved in voter  
8 education, voter registration or any get-out-the-vote efforts?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: Do you have any hobbies? How do you  
11 spend your free time, if you have any?

12 THE PROSPECTIVE JUROR: I write. I like to write.

13 THE COURT: Okay.

14 Are there any TV shows or radio programs that you  
15 regularly watch or listen to?

16 THE PROSPECTIVE JUROR: You mean like just  
17 television -- like --

18 THE COURT: Do you have any shows -- I like -- I  
19 watch every Star Trek --

20 THE PROSPECTIVE JUROR: Oh, okay.

21 THE COURT: -- thing. That's my thing. What are  
22 yours, if you have any?

23 THE PROSPECTIVE JUROR: Like, you know, just, like,  
24 streaming -- I watch The Bear recently. I liked it. It was  
25 good. You know, Succession.

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1 THE COURT: That's fine.

2 Can you be fair and impartial in this case?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Is there anything about this case that  
5 would cause you to favor one side over the other?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Will you be able to set aside any  
8 sympathies or biases you may have for any of the parties in  
9 this case and render an impartial verdict based solely on the  
10 evidence presented and the law as given to you by Judge  
11 Garaufis?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: All right.

14 Any follow-up questions for Ms. Leder?

15 MR. BUFORD: Not from the Government, Your Honor.

16 MR. FRISCH: No, Your Honor, thank you.

17 THE COURT: Thank you, Ms. Leder, you are going to  
18 be escorted to the next courtroom. We are going to continue  
19 our process with your colleagues and we will get back to you  
20 later in the day, okay? Thanks?

21 THE PROSPECTIVE JUROR: Thank you.

22 (The prospective juror exits.)

23 THE COURT: Before you do that, is everyone -- oh,  
24 no, that's right we told them to come back at two o'clock.

25 THE LAW CLERK: Yes.



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1 THE COURT: Sorry. My count is -- I just want to  
2 make sure I'm right -- 25.

3 MR. PAULSEN: Yes.

4 MR. BUFORD: I have 25, Judge.

5 THE COURT: Okay. Great. Next one, please.

6 Twenty-eight gives us the main jury because it's 12  
7 plus 16 total peremptories.

8 MR. BUFORD: Your Honor -- I will wait.

9 (The prospective juror enters.)

10 THE COURT: Good morning, Mr. Vaccaro.

11 THE PROSPECTIVE JUROR: Good morning.

12 THE COURT: Steven Vaccaro, Juror Number 50.

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Mr. Vaccaro, have you heard any -- heard  
15 or overheard any discussions in the jury room about this case?  
16 About the substance of this case or the facts or anything?

17 THE PROSPECTIVE JUROR: No, no.

18 THE COURT: This case has received some degree of  
19 media attention.

20 Have you read, heard, or seen anything in the media,  
21 on the internet, or on social media about this case or about  
22 the defendant, Douglass Mackey, otherwise known as Ricky  
23 Vaughn before today?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Now, the case involves various

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1 individuals, including the defendant, Douglass Mackey who had  
2 strong political preferences during the 2016 president  
3 campaign, including individuals who supported President Donald  
4 Trump and individuals who supported presidential candidate  
5 Hillary Clinton.

6 Do you have strong feelings or opinions related to  
7 the 2016 presidential election campaign or to those two  
8 candidates such that it would overcome your duty to judge this  
9 case fairly and impartially?

10 THE PROSPECTIVE JUROR: No, I don't believe so.

11 THE COURT: Do you have any experience with what you  
12 perceived to be deliberately false or misleading information  
13 on the internet or on social media?

14 THE PROSPECTIVE JUROR: I'm sorry, can you repeat  
15 the question?

16 THE COURT: Everyone asks me to repeat that  
17 question. That's okay.

18 Do you have any experience with what you perceived  
19 to be deliberately false or misleading information on the  
20 internet or on social media?

21 THE PROSPECTIVE JUROR: Experience with  
22 deliberate --

23 THE COURT: Deliberately false -- you saw something  
24 on the internet or on social media and you said to yourself:  
25 That's false or misleading, and deliberately so. They're

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1     trying to mislead me.

2                 THE PROSPECTIVE JUROR: Oh, I've had opinions, but  
3     nothing concrete, nothing that I knew was false.

4                 THE COURT: Would you be able to put aside any of  
5     your experiences about what you thought might be misleading  
6     and that you've seen elsewhere outside of this case and judge  
7     this case based solely on the evidence in court and the  
8     judge's instructions on the law?

9                 THE PROSPECTIVE JUROR: Yeah.

10                THE COURT: At trial, you may hear some language  
11     that you find to be offensive. You shouldn't assess that  
12     evidence based on whether you find it to be offensive or not,  
13     but rather whether that evidence tends to prove or disprove  
14     the elements of the crime.

15                Can you -- if you did find some of the evidence  
16     offensive, would you be able to put aside your feelings about  
17     its offensiveness and objectively consider it fairly and  
18     impartially?

19                THE PROSPECTIVE JUROR: I believe so.

20                THE COURT: Trial is going to start on Monday,  
21     March 20th and last until March 31st at the very latest.

22                Is there any reason this would cause you a genuine  
23     hardship if you were selected to serve on this jury?

24                THE PROSPECTIVE JUROR: I believe so.

25                THE COURT: It would cause you a hardship?

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1 THE PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: In what way?

3 THE PROSPECTIVE JUROR: I have a three-year-old  
4 daughter an hour away in New Jersey. She has autism. I -- I  
5 have visitation every other weekends. I'm not even sure what  
6 I'm going to do this Friday to get down there. I'm supposed  
7 to be down there by 7:00 and that's just one portion of it.

8 The other part is I am working nights to make up for  
9 the time that I am here and working until 3:00 a.m. with  
10 software, just to have her in the car alone with me and to  
11 stay with her on the weekend, she doesn't sleep well and she  
12 might be unsafe in I fall asleep. That's my concern.

13 THE COURT: So you have her every other weekends?

14 THE PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: When is the next weekend -- is this  
16 weekends coming up?

17 THE PROSPECTIVE JUROR: This weekend coming up I  
18 have her, yes.

19 THE COURT: Any objection to excusing Mr. Vaccaro  
20 from serving on this jury?

21 MR. BUFORD: No, Your Honor.

22 MR. FRISCH: No.

23 THE COURT: Mr. Vaccaro, I will excuse you. You can  
24 go to the central jury room and they will give you further  
25 instructions?

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1 THE PROSPECTIVE JUROR: Thank you all for your  
2 consideration.

3 Thank you.

4 (The prospective juror exits.)

5 MR. FRISCH: Before the voir dire is over, can we  
6 just confirm exactly who drafted that question on the other  
7 side of the room?

8 THE COURT: Oh, yes. That's a good idea. That's --  
9 do you want to tinker with it now?

10 MR. FRISCH: No, it's too late.

11 MR. PAULSEN: We could.

12 MR. FRISCH: I was being facetious, Judge.

13 MR. BUFORD: Your Honor, the one point I was going  
14 to make at the risk of jinxing ourselves, when we do arrive at  
15 the right number, I think it might be worth, in an abundance  
16 of caution, asking the ones who have already been qualified if  
17 they have overheard any discussions in the jury room. Just to  
18 make sure that's squared off.

19 MR. FRISCH: I join in that.

20 THE COURT: Okay.

21 When we hit 28, do you want to do peremptories on  
22 the 28 and get your jury of 12 and then move on to the -- I've  
23 done it that way before, and -- it doesn't matter to me.

24 MR. FRISCH: I think you need -- I would rather have  
25 everyone assembled before we strike. I would rather have the

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1 36 or 40 or whatever number we're using, because then you know  
2 -- you have a better picture of what's going on.

3 MR. PAULSEN: Your Honor, also we can do strikes  
4 after hours whereas the jury is -- I think we have to pick  
5 them while they're here.

6 THE COURT: Sure. But we would have to keep the 40  
7 or the 36 after hours.

8 MR. PAULSEN: Sure, but better --

9 THE COURT: -- than 180 or however many we have.  
10 All right.

11 THE LAW CLERK: Fifty-one?

12 (The prospective juror approaches.)

13 THE COURT: Good morning.

14 THE PROSPECTIVE JUROR: Good afternoon.

15 THE COURT: Maureen McGovern-Walsh, Juror Number 51.

16 Ms. McGovern-Walsh, let me ask you a few questions.

17 Have you heard or overheard any discussions in the  
18 jury room about this case -- other jurors talking about it and  
19 the allegations or anything?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Okay.

22 This case has received some degree of media  
23 attention.

24 Have you read, heard, or seen anything in the media,  
25 on the internet, or on social media about this case or about

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1 the defendant, Douglass Mackey, who is otherwise known as  
2 Ricky Vaughn, before today?

3 THE PROSPECTIVE JUROR: No. I did have the news on  
4 last night but switched the channel.

5 THE COURT: But you don't remember hearing anything  
6 about it.

7 THE PROSPECTIVE JUROR: No -- yeah -- I mean, I  
8 heard them begin to -- it sounded like the next story up was  
9 about this case and I changed the channel.

10 THE COURT: All right.

11 Do you remember which network that was on?

12 THE PROSPECTIVE JUROR: It was -- it was actually  
13 Tucker Carlson. It was, like, 8:45, something like that.

14 THE COURT: Okay.

15 Thank you.

16 THE COURT: I'm going to move to -- well, this case  
17 involves various individuals, including the defendant,  
18 Douglass Mackey, who had strong political preferences during  
19 the 2016 presidential election campaign, including individuals  
20 who it supported President Donald Trump, and individuals who  
21 supported presidential candidate Hillary Clinton.

22 Do you have strong feelings or opinions related to  
23 the 2016 presidential election campaign or to those two  
24 candidates, such that it would overcome your duty to judge  
25 this case fairly and impartially?

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1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Do you have any experience with what you  
3 perceive to be deliberately false or misleading information on  
4 the internet or on social media?

5 THE PROSPECTIVE JUROR: Can you repeat that? I'm  
6 sorry.

7 THE COURT: I smile because almost every person has  
8 asked me to repeat that question. It's not drafted the best  
9 it could be, I think.

10 Do you have any experience in what you perceived to  
11 be deliberately false or misleading information on the  
12 internet or on social media?

13 THE PROSPECTIVE JUROR: I'm not certain, yeah.

14 THE COURT: You don't think -- you're uncertain if  
15 you have been or --

16 THE PROSPECTIVE JUROR: If I read any --

17 THE COURT: Yes. Have you read anything on the  
18 internet or social media that you thought to yourself: Oh,  
19 yeah, that's deliberately false?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: -- or misleading?

22 You have?

23 THE PROSPECTIVE JUROR: Yeah.

24 THE COURT: This case has to be judged on the  
25 evidence based in court and not on things that have happened



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1 outside the courtroom, right.

2 THE PROSPECTIVE JUROR: (No verbal response.)

3 THE COURT: Would your experience seeing what you  
4 perceive to be deliberately false or misleading information on  
5 the internet or social media affect your ability to be fair  
6 and impartial here in this case?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: At trial, you may hear some language  
9 that you find to be offensive. Now, you shouldn't assess that  
10 evidence based on whether you find it to be offensive or not,  
11 but based on whether it tends to prove or disprove the  
12 elements of the crime. If you did find some of the evidence  
13 offensive, would you be able to set aside your feelings about  
14 its offensiveness and objectively hear it and consider it  
15 impartially and fairly?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: You raised your Juror Number to a number  
18 of questions. I want to go through those right now, if you  
19 will give me a moment.

20 You served on a jury before?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Tell me about that. When? Where was  
23 it? What kinds of case and did you render a verdict?

24 THE PROSPECTIVE JUROR: Yes, it was -- I'm 60 now,  
25 so it was about 40 years ago, and it was Kings County Criminal

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1 Court and it was a robbery of a gentleman on the street by  
2 three people and I believe there was a gun involved.

3 THE COURT: And you rendered a verdict in that case?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: That's the only time you served?

6 THE PROSPECTIVE JUROR: Yes, yeah.

7 THE COURT: All right. You have a background or  
8 have taken courses in the law?

9 THE PROSPECTIVE JUROR: Yes, I'm currently a  
10 paralegal with the New York City Law Department.

11 THE COURT: In what unit do you serve?

12 THE PROSPECTIVE JUROR: Brooklyn division -- or tort  
13 law.

14 THE COURT: Okay.

15 THE PROSPECTIVE JUROR: I also, years back, from  
16 1987 to 1989, I was a paralegal for the Kings County district  
17 attorney.

18 THE COURT: Couple questions about that.

19 You may have learned back then when you were a  
20 paralegal with the DA about criminal law or, I guess, with the  
21 law department. Not so much criminal law, but other areas of  
22 law. In this case, you have to judge the -- you have to apply  
23 the law that Judge Garaufis instructs you.

24 THE PROSPECTIVE JUROR: Okay.

25 THE COURT: He will tell you what the law is for

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1 this case. You have to apply that law, whether you agree with  
2 it or not, or whether you learned something different about  
3 that law years ago or yesterday.

4 THE PROSPECTIVE JUROR: Okay.

5 THE COURT: Can you apply the law that Judge  
6 Garaufis instructs you?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. Is there anything about your  
9 background in the law, your experiences or your job that would  
10 affect your ability to be fair and impartial in this case?

11 THE PROSPECTIVE JUROR: Since I'm a paralegal for  
12 the City of New York and the -- the nature of the work that I  
13 do, I'm not sure I would be a hundred percent impartial.

14 THE COURT: We need to be sure that our jurors will  
15 be impartial. We need to be sure that they are sure that they  
16 will be impartial. And if you are telling me you can't ensure  
17 your impartiality, that means you would be inclined to favor  
18 the Government in this case, regardless of what the evidence  
19 showed, then I don't know that you can -- that you're the  
20 right juror for this case.

21 THE PROSPECTIVE JUROR: Right.

22 THE COURT: So, in other words, if the Government  
23 would fail to meet its burden of proof, it didn't produce  
24 evidence that would convince you beyond a reasonable doubt  
25 that Mr. Mackey is guilty, that you would still vote to

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1 convict him.

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: You wouldn't do that?

4 THE PROSPECTIVE JUROR: (No verbal response.)

5 THE COURT: On the other hand, if the Government did  
6 produce evidence that proved beyond a reasonable doubt that he  
7 was guilty, would you vote to convict him?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: All right. So you would rely on the  
10 evidence and the Government's burden of proof and --

11 THE PROSPECTIVE JUROR: I would rely on the  
12 evidence.

13 THE COURT: Okay. And would you rely on your  
14 experience or your -- the fact that you are an employee of the  
15 City of New York in rendering your verdict?

16 THE PROSPECTIVE JUROR: I would just be interested  
17 in the facts, that's it. Just the facts of the case.

18 THE COURT: Okay. You've indicated also that you  
19 worked -- well, you worked -- you told us about your job  
20 already -- 17, 18, close friends, relatives who are lawyers or  
21 worked for lawyers worked in a courthouse family members or  
22 close friends who worked for law enforcement. And so -- is it  
23 beyond anything you've already told us already about your job  
24 as a paralegal with the City and with the DA? And the fact  
25 that, of course, you know lawyers through your job. Anything

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1 more along those lines?

2 THE PROSPECTIVE JUROR: I'm not sure. Meaning any  
3 other personal relationships or anything --

4 THE COURT: Yes.

5 THE PROSPECTIVE JUROR: Yeah, I'm not certain, yeah.

6 THE COURT: Okay.

7 You indicated that you have strong beliefs  
8 concerning law enforcement, whether positive or negative, that  
9 would prevent you from being fair and impartial in this case.

10 Can you tell me about that?

11 THE PROSPECTIVE JUROR: Can you please repeat that?

12 THE COURT: You indicated that you have strong  
13 beliefs concerning law enforcement that would prevent you from  
14 being fair and impartial in this case.

15 THE PROSPECTIVE JUROR: It goes both ways, actually.  
16 I really -- I do look -- my job as a paralegal, it's -- I just  
17 deal with not with who is going to win the case, who is  
18 winning -- even though I'm working for the City, it's the  
19 facts. Getting the documents and whatever -- however way it  
20 goes.

21 THE COURT: Okay.

22 THE PROSPECTIVE JUROR: But as far as -- it's --  
23 it's a range. I have a range of -- of opinions having worked  
24 in criminal law and also in civil law, and...

25 THE COURT: The -- I guess the bottom line is that

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1 the question, can you be fair and impartial in this case,  
2 meaning you judge the case based on the evidence he presented,  
3 the Government's burden of proof, and the law that applies,  
4 and not on any sympathies or bias you have, or any beliefs you  
5 have about law enforcement, whether good or bad.

6 Can you be guided bid evidence, the Government's  
7 burden of proof, and the law --

8 THE PROSPECTIVE JUROR: Yeah.

9 THE COURT: -- and nothing else?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: The trial is going to be on March 20th  
12 and last until March 31st.

13 Will that present a genuine hardship for you if you  
14 were selected to serve on this jury?

15 THE PROSPECTIVE JUROR: May -- we are short-staffed  
16 at work, and so --

17 THE COURT: Okay. So it would present a problem for  
18 the law department because they're short staffed.

19 THE PROSPECTIVE JUROR: Right.

20 THE COURT: Have you, a family member, or close  
21 friend ever been involved in the criminal justice system; it  
22 for example, been charged with a crime, convicted of a crime,  
23 been the subject of a criminal investigation, witness to a  
24 crime, witness in a grand jury investigation, been questioned  
25 by law enforcement officers, or the victim of a crime?

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1 THE PROSPECTIVE JUROR: Yes. All of the above,  
2 yeah.

3 THE COURT: Tell me about that, please.

4 THE PROSPECTIVE JUROR: Just over the years people  
5 have -- I have personally been a victim of crime, but --  
6 different family members or different friends have been robbed  
7 or what have you, that type of victim of a crime. And I know  
8 family members who -- extended family, maybe arrested for pot  
9 possession, things like that. Yeah, and then a friend who --  
10 since you're asking -- he's a friend of a friend but a friend  
11 of the family who was a -- an assistant district attorney in  
12 Suffolk County who -- who was convicted and is prison.

13 THE COURT: Is there anything about those  
14 relationships or those experiences that would affect your  
15 ability to be fair and impartial in this case?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Have you, a family member, or close  
18 friend ever been a party to a legal action against or had a  
19 dispute with the United States of America or any of its  
20 agencies or employees?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: You live in Rockaway Park?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: How long have you lived there?

25 THE PROSPECTIVE JUROR: Since 2009. About 12 years,

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1     yeah.

2                 THE COURT: Do you own or rent your home?

3                 THE PROSPECTIVE JUROR: Own.

4                 THE COURT: Do you live with anyone?

5                 THE PROSPECTIVE JUROR: My husband and daughter.

6                 THE COURT: What does your husband do for a living?

7                 THE PROSPECTIVE JUROR: He's a retired New York City  
8     high school teacher -- social studies teacher.

9                 THE COURT: And is your daughter of working age  
10     or --

11                THE PROSPECTIVE JUROR: She's in college.

12                THE COURT: I guess that's working age, but --

13                THE PROSPECTIVE JUROR: Yes, I'm sorry, working age,  
14     yeah.

15                THE COURT: Working age is what? Sixteen, fifteen  
16     maybe?

17                THE PROSPECTIVE JUROR: Eighteen.

18                THE COURT: You told us how you're employed. What  
19     is your highest level of education completed?

20                THE PROSPECTIVE JUROR: A master's degree in  
21     teaching.

22                THE COURT: Have you ever served in the military?

23                THE PROSPECTIVE JUROR: No.

24                THE COURT: Where do you get your news from?  
25     Newspapers, radio, television, internet, social media,



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1 podcasts, what?

2 THE PROSPECTIVE JUROR: Combination of a lot of  
3 online newspapers and some on TV.

4 THE COURT: Okay. Any online newspapers in  
5 particular that you look at on a regular basis?

6 THE PROSPECTIVE JUROR: Like *The New York Times*  
7 and -- I'm thinking offhand, just something that comes up in  
8 my news feed.

9 THE COURT: Okay. Stuff that comes up in your news  
10 feed, *The New York Times*.

11 THE PROSPECTIVE JUROR: Yeah.

12 THE COURT: You did mention that you, the other day,  
13 had on Fox, I take it, and the *Tucker Carlson Show* was coming  
14 up?

15 THE PROSPECTIVE JUROR: My husband had that program  
16 on, yeah.

17 THE COURT: Any other TV networks that you get your  
18 news from?

19 THE PROSPECTIVE JUROR: Generally just the networks,  
20 yeah. Like CBS, NBC. The networks; 2, 4, 7. I don't really  
21 watch the cable.

22 THE COURT: Do you use the internet and social  
23 media? And, if so, what platforms do you use? And how often  
24 and how do you use them?

25 THE PROSPECTIVE JUROR: I'm actually -- Instagram

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1 and Facebook I'll go on, yeah.

2 THE COURT: Okay. And are you on them daily,  
3 weekly? What?

4 THE PROSPECTIVE JUROR: Every day I'm checking. Too  
5 much, but, yeah.

6 THE COURT: Daily?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay.

9 Are you concerned at all about the reliability of  
10 the information that you find on the internet and social  
11 media?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Will that affect your ability to be fair  
14 and impartial in this case?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Have you ever been involved in voter  
17 education, voter registration or any get-out-the-vote efforts?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: Do you have any hobbies? How do you  
20 spend your free time?

21 THE PROSPECTIVE JUROR: In the nice weather,  
22 gardening. We live by the beach, so hiking, you know,  
23 walking. We go up to the country, so outdoor activities.

24 THE COURT: Do you have any television shows or  
25 radio programs that you watch or listen to on a regular basis?

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1           THE PROSPECTIVE JUROR: Just -- I'm just laughing  
2 because I watch it on Thursday night. I watch *So Help Me*  
3 *Todd*. I'm addicted to that show, but I guess because it's a  
4 law show, that's about it. It's a little comic relief.

5

6           (Continued on the following page.)

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1 THE COURT: Can you be fair and impartial in this  
2 case?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Anything about this case that would  
5 cause you to favor one side or the other?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Will you be able to set aside any  
8 sympathies or biases you may have for any of the parties in  
9 this case and render an impartial verdict based solely on  
10 the evidence in court and the law given to you by Judge  
11 Garaufis?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Any follow-up for Ms. McGovern-Walsh.

14 MR. BUFORD: Your Honor, may we approach briefly?

15 THE COURT: Sure.

16 (Sidebar held outside the presence of the  
17 potential juror.)

18 MR. BUFORD: Your Honor, I hesitate to raise it  
19 because if she hasn't recognized it yet it might inject an  
20 element that wouldn't be there otherwise. But  
21 Special Agent Granberg's husband, I just found out, is an  
22 employee of the New York City Law Department and works  
23 Torts. His name is Shane Granberg.

24 I, on the one hand, I'm hesitant to inject it into  
25 the discussion. On the other hand, I would hate for it to

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1 come out at trial since Special Agent Granberg will be  
2 counsel table the whole time. I don't know if she realizes  
3 she works with Shane Granberg, that might create a bias.

4 MR. FRISCH: Two things.

5 First of all, your Honor has already read the list  
6 of names which includes Agent Granberg. And Agent Granberg  
7 is not on the witness list. Unless I'm wrong about that, I  
8 don't think she will be testifying.

9 MR. BUFORD: She will be introduced as somebody at  
10 counsel table.

11 MR. FRISCH: She was also introduced in jury  
12 selection.

13 MR. BUFORD: I just want it to be on the record.

14 THE COURT: Her husband works for the Law  
15 Department in Torts?

16 MR. BUFORD: In Torts.

17 THE COURT: In what capacity?

18 MR. BUFORD: He's an attorney, I think. I can  
19 found out.

20 MR. PAULSEN: He's an attorney. They're likely  
21 colleagues in some capacity, although the Law Department is  
22 a rather big.

23 MR. FRISCH: It's huge.

24 MR. PAULSEN: One of the biggest.

25 THE COURT: One of the biggest law firms in the

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1 City, right?

2 MR. PAULSEN: Right.

3 THE COURT: I mean, it's a tangential  
4 relationship, if any, and I don't know if it's sufficient.  
5 If anything, I mean, that would enure to the Government's  
6 benefit, right, you have no problem?

7 MR. FRISCH: I have no problem.

8 MR. BUFORD: I just want it to be on the record.

9 THE COURT: I'm going to leave it alone.  
10 Any objection?

11 MR. FRISCH: No objection.

12 (Sidebar discussion concludes.)

13 (In open court.)

14 THE COURT: Ms. McGovern-Walsh, you've made it  
15 through this far, you're going to continue. They'll escort  
16 you into the next courtroom and we will continue our  
17 procedure with your colleagues and get back to you  
18 hopefully, certainly, later today.

19 All right?

20 THE PROSPECTIVE JUROR: Thank you.

21 THE COURT: Thank you.

22 (The prospective juror exits from the courtroom.)

23 MR. PAULSEN: Your Honor, before we bring the next  
24 juror in, if I could just add something for the record.

25 THE COURT: Sure.

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1 MR. PAULSEN: It sounds like this juror did the  
2 right thing, and when she saw a bit on Tucker Carlson, she  
3 turned away. She did exactly the right thing.

4 I do want to add, I guess, there was a portion on  
5 this case on Tucker Carlson last night. Tucker Carlson  
6 called the case "the greatest assault on free speech in  
7 human rights in our country's history."

8 So to the extent there is any sort of question of  
9 people looking at that show last night, it was a fairly  
10 polemic bit of coverage of our case.

11 THE COURT: Okay. Well, if anyone indicates that  
12 they watched that, we'll inquire about it.

13 MR. PAULSEN: That's why I ask.

14 THE COURT: All right.

15 MR. PAULSEN: Thank you, your Honor.

16 COURTROOM DEPUTY: 52.

17 THE COURT: Yes, please. Shirlwin Hedley, Juror  
18 No. 52. Questions 12 and 25.

19 (Prospective Juror No. 52 enters the courtroom.)

20 THE COURT: Good morning, Mr. Hedley.

21 THE PROSPECTIVE JUROR: Good morning, sir.

22 THE COURT: Mr. Hedley, have you heard or  
23 overheard any discussions in the main jury room, other  
24 jurors talking about this case or the facts or anything  
25 during lunchtime?

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1 THE PROSPECTIVE JUROR: No, not that I can  
2 remember.

3 THE COURT: Okay. Now, this case has received  
4 some degree of media attention. Have you read, heard, or  
5 seen anything in the media, on the internet or on social  
6 media about this case or about the defendant Douglas Mackey,  
7 otherwise knows as Ricky Vaughan, before today.

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: This case involves various individuals  
10 including Mr. Mackey who had strong political preferences  
11 during the 2016 presidential election campaign including  
12 individuals who supported President Donald Trump and  
13 individuals who supported presidential candidate Hillary  
14 Clinton.

15 Do you have any strong feelings or opinions  
16 related to the 2016 presidential election campaign, or to  
17 the two candidates in that campaign such that it would  
18 overcome your duty to judge this case fairly and  
19 impartially?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Tell me what are your feelings.

22 THE PROSPECTIVE JUROR: Well, I just don't, your  
23 Honor.

24 THE COURT: You don't what?

25 THE PROSPECTIVE JUROR: I just don't think -- I



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1 don't really know.

2 THE COURT: You really don't know?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: Okay. You served on a jury before,  
5 Mr. Hedley?

6 THE PROSPECTIVE JUROR: No, no. Never.

7 THE COURT: Can I have a sidebar please?

8 (Sidebar held outside the presence of the  
9 potential juror.)

10 THE COURT: Mr. Hedley responded to question 12  
11 which was prior jury service, we looked at his number. He  
12 also responded to that prior question in a somewhat  
13 confusing way. I don't think he wants to be here.

14 MR. FRISCH: It certainly seems that way. I  
15 agree.

16 THE COURT: Any objection to dismissing him?

17 MR. PAULSEN: No objection.

18 THE COURT: I'm going to dismiss him.

19 (Sidebar discussion concludes.)

20 (In open court.)

21 THE COURT: Mr. Hedley, I'm going to excuse you  
22 from serving on the jury. So you can go to the Central Jury  
23 Room and let them know and they'll give you further  
24 instructions, okay?

25 THE PROSPECTIVE JUROR: Okay.

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1 MR. FRISCH: Can your Honor accommodate a  
2 five-minute bathroom break?

3 THE COURT: Yes, please.

4 (The prospective juror exits from the courtroom.)

5 (A recess in the proceedings was taken.)

6 THE COURT: Juror No. 53 Cleopatra Ruiz.

7 (Prospective Juror No. 53 enters the courtroom.)

8 THE COURT: Good morning, Ms. Ruiz.

9 THE PROSPECTIVE JUROR: Good morning.

10 THE COURT: Have you overheard any of your fellow  
11 jurors in either in the Central Jury Room, the  
12 Ceremonial Courtroom where we were the first day, or during  
13 lunch talking about the facts of this case or anything  
14 related to this case?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Okay. Now, the case has received some  
17 degree of media attention. Have you read, heard, or seen  
18 anything in the media, on the internet, or on social media  
19 before today about this case or about the defendant Douglas  
20 Mackey, otherwise known as Ricky Vaughn.

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: This case involves various individuals  
23 including Mr. Mackey who had strong political preferences  
24 during the 2016 presidential election campaign including  
25 individuals who supported President Donald Trump and

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1 individuals who supported presidential candidate Hillary  
2 Clinton.

3 Do you have strong feelings or opinions related to  
4 the 2016 presidential election campaign or to the two  
5 candidates in that campaign such that it would overcome your  
6 duty to judge this case fairly and impartially?

7 THE PROSPECTIVE JUROR: I have opinions. I can't  
8 say that those opinions would enable, like, make me not make  
9 a decision. I think I could be impartial, I would like to  
10 say that. But, of course, I can't say for sure.

11 THE COURT: We don't ask jurors not to have  
12 opinions, they're entitled to them. They're entitled to  
13 their feelings. But what we do ask is that they not permit  
14 those feelings to guide their decision, dictate their  
15 decision. Jurors have to be confined to the facts, the  
16 evidence that's presented in court, and the instructions on  
17 the law. Apply the law to the facts that the jury finds and  
18 render a verdict not taking into account their opinions or  
19 their beliefs that they developed outside the courtroom.

20 Can you do that? Can you confine yourself to the  
21 evidence presented in court and the law as instructed by  
22 Judge Garaufis.

23 THE PROSPECTIVE JUROR: Maybe.

24 THE COURT: Ms. Ruiz, we need jurors who are  
25 confident that they can separate their personal beliefs and

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1 opinions from their duty as jurors, and if you're not  
2 certain that you can do that, then I don't think you're the  
3 right juror for this case so I'm going to excuse you.

4 THE PROSPECTIVE JUROR: Thank you. Okay. All  
5 right.

6 THE COURT: Thank you. You can go to the central  
7 jury room and they'll give you further instructions.

8 THE PROSPECTIVE JUROR: Thank you.

9 (The prospective juror was excused by the Court.)

10 THE COURT: Juror No. 54, Floyd Gordon. Question  
11 17.

12 (Prospective Juror No. 54 enters the courtroom.)

13 THE COURT: Good morning, Mr. Gordon.

14 THE PROSPECTIVE JUROR: Good morning.

15 THE COURT: Mr. Gordon, during your time in the  
16 Central Jury Room or in the Ceremonial Courtroom or at  
17 lunch, did you overhear any of your fellow jurors discussing  
18 this case, the facts, the indictment, or anything about the  
19 case?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: The case has received some degree of  
22 media attention. Have you read, heard, or seen anything in  
23 the media, on the internet, or on social media before today  
24 about this case or about the defendant Douglas Mackey,  
25 otherwise known as Ricky Vaughn.

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1 THE PROSPECTIVE JUROR: No.

2 THE COURT: This case involves various individuals  
3 including the defendant Douglas Mackey who had strong  
4 preliminary preferences during the 2016 presidential  
5 election campaign including individuals who supported  
6 presidential candidate Donald Trump and presidential  
7 candidate Hillary Clinton.

8 Do you have strong feelings or opinions related to  
9 the 2016 presidential election campaign or to the two  
10 candidates in that campaign such that it would overcome your  
11 duty to judge this case fairly and impartially?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Do you have any experience with what  
14 you perceived to be deliberately false or misleading  
15 information on the internet or on social media?

16 THE PROSPECTIVE JUROR: I'm trying to remember. I  
17 don't think so.

18 THE COURT: Okay. At trial, you may hear some  
19 language that you find to be offensive. You shouldn't  
20 assess the evidence you hear based on whether you find it to  
21 be offensive or not but rather on whether that evidence  
22 tends to prove or disprove the elements of the crime.

23 If you found some evidence to be offensive, would  
24 you be able to set aside your feelings about its  
25 offensiveness and objectively hear and consider that

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1 evidence and follow the Court's instructions on the law.

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: You indicated that either you or a  
4 close friend or relative who are lawyers or work for lawyers  
5 or worked for a judge or in a courthouse.

6 Can you tell me about that?

7 THE PROSPECTIVE JUROR: A cousin of mine, she's a  
8 lawyer. I think she does corporate law. I'm not a hundred  
9 percent sure.

10 THE COURT: Have you learned anything about the  
11 law from her?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Okay. Will her being a lawyer affect  
14 your ability to be fair and impartial in this case?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: The trial is going to start on  
17 March 20th and last until March 31st at the latest. Is  
18 there any reason this would cause you a genuine hardship if  
19 you were selected to serve on this jury?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Tell me about that, what?

22 THE PROSPECTIVE JUROR: My wife works overnights  
23 and we have a seven-month old baby and he's up every two to  
24 three hours to be fed and I'm taking care of him during that  
25 time.

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1 THE COURT: Okay.

2 THE PROSPECTIVE JUROR: So some days I'm tired,  
3 some days I'm okay.

4 THE COURT: Okay. So during the day, she's home?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Taking care of the baby?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: And you work?

9 THE PROSPECTIVE JUROR: That's correct, I work.

10 THE COURT: What do you for a living?

11 THE PROSPECTIVE JUROR: I'm a IT specialist for  
12 radiology.

13 THE COURT: So, at night, she's working and you're  
14 getting up every two to three hours to feed the baby?

15 THE PROSPECTIVE JUROR: That's correct.

16 THE COURT: Been there. Okay, I hear you. Let me  
17 continue with the questions.

18 Have you, a family member or close friend ever  
19 been involved in the criminal justice system, meaning, ever  
20 been charged with a crime, convicted of a crime, been the  
21 subject of a criminal investigation, been a witness to a  
22 crime, a witness in a grand jury investigation, or  
23 questioned by law enforcement officers or the victim of a  
24 crime?

25 THE PROSPECTIVE JUROR: No.

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1 THE COURT: Have you, a family member, or close  
2 friend ever been a party to a legal action against, or had a  
3 dispute with, the United States of America or any of its  
4 agencies or employees?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: You live in Cambria Heights?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: How long have you lived there?

9 THE PROSPECTIVE JUROR: Since 2012, like, ten  
10 years.

11 THE COURT: Do you own or do you rent?

12 THE PROSPECTIVE JUROR: I own.

13 THE COURT: And you live with your wife and your  
14 child?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: You told us you work in IT and I'm  
17 sorry if you told us what your wife does for a living but I  
18 know she works at night.

19 THE PROSPECTIVE JUROR: She's a nurse  
20 practitioner.

21 THE COURT: What is your highest level of  
22 education you completed?

23 THE PROSPECTIVE JUROR: Associate's degree.

24 THE COURT: Have you ever served in the military?

25 THE PROSPECTIVE JUROR: No.



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1 THE COURT: And from where do you get your news?  
2 Newspapers, radio, TV, internet, social media, podcasts.

3 THE PROSPECTIVE JUROR: All of the above.

4 THE COURT: Are there any particular platforms or  
5 purveyors of the news that come to mind that you get your  
6 news from.

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Like on TV. Is there a particular  
9 network that you watch to get your news?

10 THE PROSPECTIVE JUROR: Like, CNN, Channel 7.

11 THE COURT: Okay. Do you use the internet and  
12 social media?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: What social media platforms do you  
15 use?

16 THE PROSPECTIVE JUROR: Facebook, Instagram.

17 THE COURT: Are you concerned at all about the  
18 reliability of information that you find on the internet and  
19 social media?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Will that concern affect your ability  
22 to be fair and impartial in this case?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: In what way?

25 THE PROSPECTIVE JUROR: Because you don't know

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1 what's false and what's accurate?

2 THE COURT: The evidence in this case will come in  
3 at the trial and you will, if you're selected to serve, have  
4 the ability to assess it. And in assessing the evidence,  
5 would you be guided by your concern about the reliability of  
6 social media or would you limit yourself to the what's  
7 presented in court?

8 THE PROSPECTIVE JUROR: Only limit myself to the  
9 evidence that's provided in court.

10 THE COURT: Have you ever been involved in voter  
11 education, voter registration, or any get out the vote  
12 efforts?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Do you have any hobbies or ways you  
15 spend your free time if you have it.

16 THE PROSPECTIVE JUROR: Play sports, hang out with  
17 friend.

18 THE COURT: Are there any television shows or  
19 radio programs that you regularly watch or listen to?

20 THE PROSPECTIVE JUROR: Yeah, I like "Family Guy,"  
21 "Two and a Half Men," stuff like that, comedies.

22 THE COURT: Is there any reason why you cannot be  
23 fair and impartial in this case?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Is there anything about this case that

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1 would cause you to favor one side over the other?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Will you be able to set aside any  
4 sympathies or biases you may have for any of the parties in  
5 this case and render an impartial verdict based solely on  
6 the evidence presented and the law as given to you by Judge  
7 Garaufis?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Okay. Any follow-up questions for  
10 Mr. Gordon?

11 MR. BUFORD: No. No, your Honor.

12 MR. FRISCH: I have one, your Honor. Can we  
13 approach?

14 THE COURT: Yes.

15 (Continued on the next page.)

16 (Sidebar held outside the presence of the  
17 potential juror.)

18 MR. FRISCH: When we were in the  
19 Ceremonial Courtroom when we started, the first thing I  
20 wrote down in my notes, which I could show you if we're  
21 ex parte, was: "Sleeping and yawning. Second job?" He was  
22 in the second row, he was to the far left I think on the  
23 aisle and it was noticeable to me that he was nodding off  
24 and he was going like this (indicating) and that's one  
25 concern.

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1           My concern is that he's going to not just be --  
2           he's going to want to get back to his wife and kid, so I  
3           challenge him for that reason.

4           MR. BUFORD: Your Honor, I think that the trial  
5           would take the place during his regular working hours where  
6           he's currently employed and able to function by every  
7           indication. So if it becomes an issue during the trial,  
8           I've seen judges address it if it becomes a concern. But I  
9           don't know that that's a reason to strike him for cause.

10           Again, I think the trial 9:30 to 5:00 schedule  
11           just takes the place of his current employment where he's a  
12           functioning employee.

13           THE COURT: I agree. I'm not going to predict  
14           whether he's going to be sufficiently awake to hear the  
15           evidence and consider it. And Judge Garaufis will be very  
16           good at waking him up if he fall as sleep. So, yes.

17           (Sidebar discussion concludes.)

18           (In open court.)

19           THE COURT: Okay. Mr. Gordon they're going in  
20           escort you in into the next courtroom and we will continue  
21           the process and they will get back to you shortly. Thank  
22           you.

23           (The prospective juror exits from the courtroom.)

24           MR. FRISCH: Can I place one thing on the record?

25           THE COURT: Yes.

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1 MR. FRISCH: When your Honor dismissed Mr. Gordon  
2 from the room, he kind of looked at us on this side of the  
3 room and kind of rolled his eyes. I'm sure it wasn't in any  
4 way disrespectful but he plainly doesn't want to be here.  
5 So just to tie it together, so I renew my challenge.

6 THE COURT: We'll keep Mr. Gordon on the panel.

7 COURTROOM DEPUTY: 55.

8 THE COURT: 55, Amal Das.

9 (Prospective Juror No. 55 enters the courtroom.)

10 THE COURT: Good morning, Mr. Das.

11 THE PROSPECTIVE JUROR: Good morning.

12 THE COURT: Mr. Das, when you were in the Central  
13 Jury Room or the Ceremonial Courtroom or during lunch, did  
14 you overhear any of the jurors discussing this case and the  
15 facts?

16 THE PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: You did.

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: What did you hear?

20 THE PROSPECTIVE JUROR: It was the duty, yes, and  
21 this is my civic responsibility. That's why I coming here.

22 THE COURT: No. I'm asking you, Mr. Das, if you  
23 overheard any discussions about the case from the other  
24 jurors while you were waiting to be called in.

25 THE PROSPECTIVE JUROR: No.

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1 THE COURT: Mr. Das, how long have you been in the  
2 United States?

3 THE PROSPECTIVE JUROR: Sorry, sir.

4 THE COURT: Okay. How long have you been in the  
5 United States?

6 THE PROSPECTIVE JUROR: 15 years.

7 THE COURT: And what do you do for a living? What  
8 is your job.

9 THE PROSPECTIVE JUROR: I am pharmaceutical  
10 company and machine operator.

11 THE COURT: You work for a pharmaceutical company?

12 THE PROSPECTIVE JUROR: Machine operator.

13 THE COURT: A mission operator?

14 What is the highest level of education you  
15 completed.

16 THE PROSPECTIVE JUROR: Highest level of  
17 education, Bangladesh, a bachelors degree.

18 THE COURT: Mr. Das, do you believe your English  
19 language skills are sufficient for you to serve on this  
20 jury?

21 THE PROSPECTIVE JUROR: So-so.

22 THE COURT: So-so, did you say?

23 THE PROSPECTIVE JUROR: Huh.

24 THE COURT: Okay. Mr. Das, I'm going to excuse  
25 you from serving on this jury. You can go to the Central

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1 Jury Room they'll give you further instructions, okay?

2 Thanks.

3 (The prospective juror was excused by the Court.)

4 THE COURT: Kathleen Thomas, Juror No. 57.

5 MR. BUFORD: I'm sorry, your Honor, I thought we  
6 were on 56. Is 56 not here.

7 MR. GULLOTTA: He was excused for a work trip.

8 (Prospective Juror No. 57 enters the courtroom.)

9 THE COURT: Kathleen Thomas, Juror No. 57. Good  
10 morning.

11 THE PROSPECTIVE JUROR: Good morning.

12 THE COURT: Ms. Thomas, you indicated in the first  
13 day that there's something about the nature of this case  
14 that would cause you to favor one side over the other.

15 Can you tell me about that?

16 THE PROSPECTIVE JUROR: Possibly. Based on what  
17 you said, I believe. Apparently, it's something to do with  
18 jury, not jury, voter tampering or voting misguiding.

19 Granted, whichever side is the side, I guess, the  
20 prosecution side, that side, has to prove that that  
21 particular person did that particular thing. I get that,  
22 did that happen in general in the 2016 election, my belief  
23 is yes.

24 THE COURT: Okay. Thank you. In this case, in  
25 every case, every criminal case, the evidence is presented

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1 during the trial in the courtroom. And the case is decided  
2 on that evidence, not on what someone else may have done in  
3 another situation or what happened generally even, it's very  
4 specific to what are the facts in this case and whether  
5 those facts were proved beyond a reasonable doubt and  
6 whether that is a crime or not.

7 THE PROSPECTIVE JUROR: Okay.

8 THE COURT: So would you be able to put the  
9 Government to its burden of proof, have them introduce  
10 evidence that convinced you beyond a reasonable doubt that  
11 Mr. Mackey is guilty and not rely on whatever else may have  
12 happened.

13 THE PROSPECTIVE JUROR: That's why I said before  
14 that particular individual did. You brought up another  
15 question that whatever is, is a crime. Whatever there's a  
16 definition, I'm sure you guys all have.

17 THE COURT: Yes. Judge Garaufis will give you  
18 that that definition at the end of the case and you will  
19 have to listen to the evidence before then and then  
20 deliberate with your fellow jurors to figure out whether  
21 that evidence convinces you beyond a reasonable doubt that a  
22 crime was committed according to what Judge Garaufis tells  
23 you a crime is and that Mr. Mackey did it.

24 And if the Government doesn't do that, doesn't  
25 submit to you enough evidence to prove beyond a reasonable



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1 doubt that a crime was committed by Mr. Mackey, you would be  
2 duty bound to find him not guilty and exclude from that  
3 consideration everything else that happened in society or  
4 anything like that.

5 THE PROSPECTIVE JUROR: Somebody else can go.

6 THE COURT: So could you do that?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: And conversely, if the Government  
9 would submit evidence that convinced you beyond a reasonable  
10 doubt that Mr. Mackey committed this crime, could you return  
11 a verdict of guilty excluding everything else that happened  
12 out in society?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: So you would be guided by the evidence  
15 and the instructions on the law and you would not favor one  
16 side or the other, yes or no.

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: When you were waiting to be called in  
19 here, whether you were sitting in the Central Jury Room or  
20 the --

21 THE PROSPECTIVE JUROR: Whatever, here.

22 THE COURT: The Ceremonial Courtroom or at lunch,  
23 did you overhear any of your fellow jurors discussing this  
24 case, discussing the substance of the case, the indictment?

25 THE PROSPECTIVE JUROR: Not the case, case. Just

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1 the presuppositions that it's something political which is  
2 why you have a thousand people here. And so, you get -- I  
3 guess going for an equal balance of whatever, or whatever  
4 you guys are deciding. General procedure not the specifics  
5 of the case.

6 THE COURT: And that it -- and that it was  
7 political in some respects?

8 THE PROSPECTIVE JUROR: Because you're saying  
9 voter and 2016, that automatically says that there is a  
10 political component to it.

11 THE COURT: Okay.

12 THE PROSPECTIVE JUROR: I mean, we all know left  
13 and rights are screaming and yelling.

14 THE COURT: Okay.

15 THE PROSPECTIVE JUROR: Can't deny that.

16 THE COURT: Are you able to put aside anything you  
17 overheard about this case and judge --

18 THE PROSPECTIVE JUROR: Nothing relevant.

19 THE COURT: It's nothing relevant?

20 THE PROSPECTIVE JUROR: Nothing relevant. Just  
21 only relevant to my getting here. Why they're picking so  
22 many people, blah, blah, blah, blah.

23 THE COURT: Okay. Fair enough.

24 Now, the case has received some degree he media  
25 attention. Have you read, heard, or seen anything in the

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1 media on the internet or on social media before today about  
2 this case or about the defendant Douglas Mackey, otherwise  
3 another known as Ricky Vaughn?

4 THE PROSPECTIVE JUROR: The name is not ringing  
5 bells but I do watch Rachel Maddow so that's been there.

6 THE COURT: You don't recall seeing anything on  
7 Rachel Maddow about the case?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: You recall seeing anything else in the  
10 media, social media, on the internet about this case?

11 THE PROSPECTIVE JUROR: Not that I can place it to  
12 this particular person.

13 THE COURT: Okay. Just in general about alleged  
14 disinformation in the 2016 election?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: Are you able to put aside all of that  
17 and any ideas, opinions, or conclusions you drew from that  
18 other stuff and judge this case solely based on the evidence  
19 presented in court and the law as given to you by Judge  
20 Garaufis?

21 THE PROSPECTIVE JUROR: I am fairly sure I could.

22 THE COURT: Okay. Now, this is sort of going  
23 along this line. This case involves various individuals  
24 including Mr. Mackey who had strong political preferences  
25 during the 2016 presidential election campaign including

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1 individuals who supported Donald Trump and individuals who  
2 supported Hillary Clinton.

3 Do you have strong feelings or opinions related to  
4 the 2016 presidential election campaign or to the two  
5 candidates in that campaign such that it would overcome your  
6 duty to judge this case fairly and impartially?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Do you have any experience with what  
9 you perceived to be deliberately false or misleading  
10 information on the internet or on social media?

11 THE PROSPECTIVE JUROR: Define experience. What  
12 do you mean? Have I seen a lot of it, yes.

13 THE COURT: Okay. Would your experiences seeing a  
14 lot of it affect your ability to be fair and impartial in  
15 this case, meaning, can you put aside what you've seen that  
16 you think was deliberately misleading or false elsewhere and  
17 judge this case fairly and impartially based on the evidence  
18 presented in court and the law as given to you by Judge  
19 Garaufis.

20 THE PROSPECTIVE JUROR: I believe so.

21 THE COURT: At trial, you may hear some language  
22 that you find to be offensive and you shouldn't assess that  
23 evidence based on whether you find it to be offensive or  
24 not, but rather whether that evidence tends to prove or  
25 disprove the elements of the crime.

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1           If you found some of the evidence to be offensive,  
2       would you be able to set aside your feelings about its  
3       offensiveness, objectively hear that evidence, and consider  
4       it fairly and impartially?

5           THE PROSPECTIVE JUROR: I would consider it part  
6       of the person's character that was saying it. I work in a  
7       high school, I tell my kids to present themselves in a  
8       certain manner or people will be judging you as your  
9       character. I'm under oath here so I have to be straight up.

10          THE COURT: Let me move on.

11          The trial is going to start on March 20th and go  
12       until March 31st, is there any reason if you were selected  
13       as a juror that that would cause you a genuine hardship?

14          THE PROSPECTIVE JUROR: No.

15          THE COURT: Have you, a family member or close  
16       friend ever been involved in the criminal justice system,  
17       meaning, been the victim of a crime, accused of committing a  
18       crime, convicted of a crime, subject to a criminal  
19       investigation.

20          THE PROSPECTIVE JUROR: My brother-in-law was  
21       murdered if that covers it.

22          THE COURT: I was going to get -- that covers as  
23       victim of a crime. We'll get to that in a minute. Other  
24       than that, has anyone else been involved in the criminal  
25       justice system?

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1           THE PROSPECTIVE JUROR: I've had a bunch of  
2 students murdered.

3           THE COURT: Okay. The murder of your  
4 brother-in-law and your students, clearly, they're victims.  
5 Would that affect your ability to be fair and impartial in  
6 this case?

7           THE PROSPECTIVE JUROR: I don't think so.

8           THE COURT: Have you, a family member, or close  
9 friend ever been a party to a legal action against, or had a  
10 dispute with, the United States of America or any of its  
11 agencies or employees?

12           THE PROSPECTIVE JUROR: I haven't been sued or  
13 anything like that if that's what you're asking or brought  
14 to trial.

15           THE COURT: But specifically against the  
16 United States of America.

17           THE PROSPECTIVE JUROR: No.

18           THE COURT: Can I speak with the lawyers at  
19 sidebar, please.

20           (Sidebar held outside the presence of the  
21 potential juror.)

22           THE COURT: So?

23           MR. BUFORD: No objection.

24           THE COURT: We got to get into her personal  
25 pedigree information.

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1 MR. FRISCH: I have no objection to excusing her.

2 THE COURT: Isn't this a subject of a motion in  
3 limine?

4 MR. BUFORD: Which is?

5 THE COURT: The offensive nature of some of the  
6 information.

7 MR. FRISCH: Yes.

8 MR. BUFORD: Some of it's pending. It's unclear  
9 how much, if any, will come in and some of it may be  
10 conditional rulings depending on how the trial plays out.  
11 Some language may be shown, some may not, it's sort of in  
12 flux.

13 MR. FRISCH: I would add to that, and I don't  
14 think Mr. Buford will disagree, there's just levels of  
15 offensiveness. There's different degrees of offensiveness.  
16 There's a lot of offensive stuff that's just coming in  
17 because that's the way they talk on these Twitters, in the  
18 Twitter-sphere in this particular world and there's a worse  
19 level which is subject to, say, what Judge Garaufis worse  
20 stuff which is very, very bad.

21 But even if the most mild stuff comes in, I use  
22 the word "mild" in a very relative way, a lot of very  
23 offensive range. So, at the very least, we might risk she  
24 should be excused and we should move on. At the very last,  
25 I would explore that with her. That plus the unfortunate

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1 circumstances of the people she's lost through crime.

2 THE COURT: All right.

3 (Sidebar discussion concludes.)

4 (In open court.)

5 THE COURT: Ms. Thomas.

6 THE PROSPECTIVE JUROR: Mm-hmm.

7 THE COURT: I want to follow-up on the offensive  
8 evidence question that I posed to you.

9 You said that you would consider that evidence as  
10 going to the speaker, let's say, whoever said to, going to  
11 their character.

12 THE PROSPECTIVE JUROR: Mm-hmm.

13 THE COURT: Would you let -- assuming you found  
14 someone who spoke words that were offensive and had because  
15 of that bad character, would that overcome your duty to look  
16 at the evidence as a whole and to determine whether it  
17 satisfies the Government's burden of proof beyond a  
18 reasonable doubt that a crime was committed.

19 THE PROSPECTIVE JUROR: I would be taking it into  
20 account in that evidence as I would if he was -- he, she,  
21 whatever, was, you know, lies once and then, you know, what  
22 else was a lie that may be they got away with. As I said,  
23 it speaks to character.

24 THE COURT: All right. Ms. Thomas, I'm going to  
25 excuse you from serving on this jury. You can go to the



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1 Central Jury Room where they'll give you further  
2 instructions, okay?

3 THE PROSPECTIVE JUROR: Okay. Thank you.

4 (The prospective juror was excused by the Court.)

5 THE COURT: Complicating matters, Mr. Gilreath,  
6 Juror 46, has informed us that he is receiving an award at  
7 an awards dinner this evening at 6:30 and he has requested  
8 to leave by 4:00 o'clock. So I seriously doubt we will be  
9 done. Maybe we'll be done before then and able to exercise  
10 your peremptories. But if we're not, we got to figure out  
11 what to do. I don't want to make him miss receiving his  
12 award.

13 Let's bring in Jianming Zhao.

14 (Prospective Juror No. 58 enters the courtroom.)

15 THE COURT: Good morning, Mr. Zhao.

16 THE PROSPECTIVE JUROR: Good morning, sir.

17 THE COURT: If you could move the microphone  
18 closer to you, please.

19 THE PROSPECTIVE JUROR: Okay.

20 THE COURT: Thank you.

21 Mr. Zhao, when you were in the jury room earlier  
22 today, yesterday, Monday, did you overhear any of the other  
23 jurors discussing this case and the facts about it.

24 THE PROSPECTIVE JUROR: No, I didn't.

25 THE COURT: Okay. This case has received, excuse

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1 me, this case has received some degree of media attention.  
2 Have you read, heard, or seen anything in the media on the  
3 internet or on social media about this case or about the  
4 defendant Douglas Mackey otherwise known as Ricky Vaughn?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: This case involves various individuals  
7 including the defendant Douglas Mackey who had strong  
8 political preferences during the 2016 presidential election  
9 campaign including individuals who supported presidential  
10 Donald Trump and individuals who supported presidential  
11 candidate Hillary Clinton.

12 Do you have strong feelings or opinions related to  
13 the 2016 presidential election campaign or to those two  
14 candidates such that it would overcome your duty to judge  
15 this case fairly and impartially.

16 THE PROSPECTIVE JUROR: Sorry, I didn't get it.

17 THE COURT: Do you have strong feelings or  
18 opinions about the 2016 presidential election campaign or  
19 President Donald Trump or Hillary Clinton such that it would  
20 overcome your duty to be fair and impartial in this case?

21 THE PROSPECTIVE JUROR: No, I haven't.

22 THE COURT: Do you have any experience with what  
23 you perceived to be deliberately false or misleading  
24 information on the internet or social media?

25 THE PROSPECTIVE JUROR: No.

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1           THE COURT: At trial, you may hear some language  
2 that you find to be offensive. You should not assess that  
3 evidence based on whether you believe it to be offensive or  
4 not, but whether that evidence tends to prove or disprove  
5 the elements of the crime.

6           If you found some of the evidence to be offensive,  
7 would you be able to put aside your feelings about its  
8 offensiveness and objectively consider it and render a fair  
9 and impartial verdict.

10          THE PROSPECTIVE JUROR: I don't understand.

11          THE COURT: You don't understand?

12          THE PROSPECTIVE JUROR: Yes.

13          THE COURT: Okay. How long have you been in the  
14 United States, Mr. Zhao?

15          THE PROSPECTIVE JUROR: Since 2016.

16          THE COURT: What do you do for a living?

17          THE PROSPECTIVE JUROR: I'm a truck driver.

18          THE COURT: Are you married, sir?

19          THE PROSPECTIVE JUROR: Yes.

20          THE COURT: Okay. Do you believe that your  
21 English language skills are sufficient to serve on this  
22 jury?

23          THE PROSPECTIVE JUROR: Sometimes.

24          THE COURT: Sometimes?

25          THE PROSPECTIVE JUROR: Yes.

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1 THE COURT: Mr. Zhao, I'm going to excuse you from  
2 serving on the jury. You can go to the Central Jury Room  
3 they'll give you further instructions, okay?

4 THE PROSPECTIVE JUROR: Okay.

5 THE COURT: Thank you.

6 (The prospective juror was excused by the Court.)

7 THE COURT: We're going to go to 12:30 and break  
8 for lunch.

9 COURTROOM DEPUTY: Juror 59.

10 (Continued on the next page.)  
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1 (continuing.)

2 THE COURT: Good morning, Mr. Najowitz.

3 THE PROSPECTIVE JUROR: Good morning.

4 THE COURT: Ira Najowitz, Juror Number 59.

5 Mr. Najowitz, when you were in the central jury  
6 room, or the ceremonial courtroom, or during lunch break,  
7 did you over hear any discussions that you fellow jurors  
8 were having about this case, about the facts or anything  
9 related to it?

10 THE PROSPECTIVE JUROR: No, did I not.

11 THE COURT: Okay. This case has received some  
12 degree of media attention.

13 Have you read, heard, or seen anything in the  
14 media, on the internet, or on social media before today  
15 about this case or about the defendant, Douglass Mackey,  
16 otherwise known as Ricky Vaughn?

17 THE PROSPECTIVE JUROR: No, I have not.

18 THE COURT: This case involves various  
19 individuals, including the defendant, Douglass Mackey, who  
20 had strong political preferences during the 2016  
21 presidential election campaign, including individuals who  
22 supported President Donald Trump, and individuals who  
23 supported presidential candidate Hillary Clinton.

24 Do you have strong feelings or opinions about the  
25 2016 presidential election campaign or those two candidates

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1 such that it would overcome your duty to judge this case  
2 fairly and impartially?

3 THE PROSPECTIVE JUROR: No, it would not.

4 THE COURT: Do you have any experience with what  
5 you perceived to be deliberately false or misleading  
6 information on the internet or social media?

7 THE PROSPECTIVE JUROR: No, I have not.

8 THE COURT: At trial, you may hear some language  
9 that you may find to be offensive. You should not assess  
10 that evidence based on whether you find it to be offensive  
11 or not, but, rather, whether that evidence tends to prove or  
12 disprove the elements of crime.

13 THE PROSPECTIVE JUROR: I can keep an open mind  
14 and stay impartial.

15 THE COURT: All right. If you found evidence to  
16 be offensive, you wouldn't -- you would be able to set aside  
17 your feelings about its offensiveness and judge it fairly  
18 and impartially?

19 THE PROSPECTIVE JUROR: I would.

20 THE COURT: You indicated that you've been on a  
21 jury before.

22 THE PROSPECTIVE JUROR: Yes, I have.

23 THE COURT: Tell me about that.

24 THE PROSPECTIVE JUROR: Three times over the  
25 years, I've served in State Supreme Court. It's two

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1 criminal cases and one civil case.

2 THE COURT: Do you remember the nature of those  
3 criminal cases?

4 THE PROSPECTIVE JUROR: I think one was grand  
5 larceny, I think attempted theft auto. The other one was  
6 attempted burglary or a burglary.

7 THE COURT: And in each of those cases, did you  
8 render a verdict -- the criminal and civil case?

9 THE PROSPECTIVE JUROR: Yes, I did.

10 THE COURT: And this was in Queens Supreme,  
11 correct?

12 THE PROSPECTIVE JUROR: I lived many years --  
13 before Queens, I lived in the Bronx. One case was in Bronx  
14 County Supreme Court. The other two were in Queens.

15 THE COURT: The trial is going to start on Monday,  
16 the 20th, and last, at the latest, until March 31st.

17 Is there any reason this would cause you a genuine  
18 hardship if you were selected to serve on the jury?

19 THE PROSPECTIVE JUROR: No it would not.

20 THE COURT: Have you, a family member, or a close  
21 friend ever been part of the criminal justice system? By  
22 that I mean, charged with a crime, convicted, subject to a  
23 criminal investigation, witness, victim, witness in a grand  
24 jury investigation, anything like that.

25 THE PROSPECTIVE JUROR: No, I have not.

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1 THE COURT: Have you, a family member, or close  
2 friend ever been a party to a legal action against or had a  
3 dispute with the United States or any of its agencies or  
4 employees?

5 THE PROSPECTIVE JUROR: No, I have not.

6 THE COURT: You live in Oakland Gardens, correct?

7 THE PROSPECTIVE JUROR: Correct.

8 THE COURT: How long have you lived there?

9 THE PROSPECTIVE JUROR: I lived there since 1988.  
10 So, yeah, 34 years plus.

11 THE COURT: Do you own or do you rent your home?

12 THE PROSPECTIVE JUROR: It's a co-op. I'm a  
13 shareholder.

14 THE COURT: Do you live with anyone?

15 THE PROSPECTIVE JUROR: No. By myself.

16 THE COURT: Have you ever been married, or do you  
17 have any children?

18 THE PROSPECTIVE JUROR: No. I'm single.

19 THE COURT: Are you working?

20 THE PROSPECTIVE JUROR: No. I'm retired.

21 THE COURT: From what?

22 THE PROSPECTIVE JUROR: I worked for many years  
23 for a public policy database. We would write summaries of  
24 short article -- on articles and books dealing with US  
25 public policy, social policy, political affairs, foreign



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1 policy, and also same topics from other countries around the  
2 world.

3 THE COURT: What is the highest level of education  
4 you've completed?

5 THE PROSPECTIVE JUROR: I have a master's degree.

6 THE COURT: In what?

7 THE PROSPECTIVE JUROR: Science.

8 THE COURT: Ever served in the military?

9 THE PROSPECTIVE JUROR: No, I have not.

10 THE COURT: Where do you get your news from?  
11 Newspapers, radio, TV, internet, social media, podcasts,  
12 what?

13 THE PROSPECTIVE JUROR: I get my news from TV;  
14 CNN, MSNBC. And also I'll read articles online on the  
15 internet.

16 THE COURT: Any particular purveyor of those  
17 articles, or just various?

18 THE PROSPECTIVE JUROR: I'll read things, you  
19 know, various from political viewpoints.

20 THE COURT: Other than what you've already  
21 mentioned, do you use the internet or social media? And, if  
22 so, what platforms? How do you use them? And how  
23 frequently?

24 THE PROSPECTIVE JUROR: I'm not really into  
25 Facebook on social media per say. It's basically, you know,

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1 I'm reading articles online, streaming video, watching  
2 attending podcasts, things like that.

3 THE COURT: Are you concerned at all about the  
4 reliability of information that you find on the internet and  
5 social media?

6 THE PROSPECTIVE JUROR: Oh, yes. One has to use  
7 one's head when one is reading material and take things with  
8 a grain of salt, if necessary.

9 THE COURT: Will any concerns that you have about  
10 such reliability affect your ability to be fair and  
11 impartial in this case?

12 THE PROSPECTIVE JUROR: No, it wouldn't.

13 THE COURT: Have you ever been involved in voter  
14 education, voter registration, or any get-out-the-vote  
15 efforts?

16 THE PROSPECTIVE JUROR: No, I haven't.

17 THE COURT: What are your hobbies? How do you  
18 spend your leisure time?

19 THE PROSPECTIVE JUROR: I go to the gym regularly.  
20 I enjoy walking, reading.

21 THE COURT: Are there any television shows or  
22 radio programs that you regularly watch or listen to?

23 THE PROSPECTIVE JUROR: Not really, no.

24 THE COURT: Can you be fair and impartial in this  
25 case?

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1 THE PROSPECTIVE JUROR: Yes, I can.

2 THE COURT: Is there anything about this case that  
3 would cause you to favor one side over the other?

4 THE PROSPECTIVE JUROR: No, it would not.

5 THE COURT: Will you be able to set aside any  
6 sympathies or biases you may have for any of the parties in  
7 this case and render an impartial verdict based solely on  
8 the evidence presented in court and the instructions on the  
9 law from Judge Garaufis?

10 THE PROSPECTIVE JUROR: Yes. I can follow the  
11 instructions and be objective, yes.

12 THE COURT: Any follow-up for Mr. Najowitz?

13 MR. BUFORD: No. Thank you, Your Honor.

14 MR. FRISCH: Nothing else.

15 THE COURT: Thank you, Mr. Najowitz. They are  
16 going to escort you into the next courtroom and we will  
17 continue the process with your colleagues and hopefully,  
18 before too long, we will have the requisite number of folks  
19 and we can do our peremptories.

20 THE PROSPECTIVE JUROR: Thank you, your Honor.

21 (The prospective juror exits.)

22 (The prospective juror enters.)

23 THE COURT: Leonard Shostak, Juror Number 60, good  
24 morning.

25 THE PROSPECTIVE JUROR: Good morning.

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1 THE COURT: Mr. Shostak, you answered -- or you  
2 held your number up to a few questions that I asked the full  
3 panel on the first day.

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: And we can get into them in detail, if  
6 necessary.

7 I want to, I want to cut to the quick, as they  
8 say, and ask you, sort of, the ultimate question, and  
9 perhaps the most important question.

10 Can you be fair and impartial in this case?

11 THE PROSPECTIVE JUROR: Not in this case, no.

12 THE COURT: Okay. Why don't you tell me why not.

13 THE PROSPECTIVE JUROR: Because I've heard a bunch  
14 about the case from people here, and because of my job  
15 working with law enforcement, teaching them improv.

16 THE COURT: Teaching them improv?

17 THE PROSPECTIVE JUROR: Yes. I did a community  
18 outreach program where we teach NYPD officers improv to  
19 teach them compassion.

20 THE COURT: And based on that --

21 THE PROSPECTIVE JUROR: Based on the information  
22 that I got working with officers, and over the years working  
23 two doors down, and working for the court clerks union, I  
24 have had too many interactions with the system that I don't  
25 think I can -- I don't think I can give a fair and

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1 impartial, and my beliefs of a lot of other things about  
2 minorities and classes.

3 THE COURT: Tell me about your what you heard the  
4 other jurors talking about.

5 THE PROSPECTIVE JUROR: I heard it was a person  
6 that was preventing minorities from voting, using electronic  
7 means to persuade them otherwise.

8 THE COURT: Do you remember when you heard this?

9 THE PROSPECTIVE JUROR: I heard this yesterday  
10 afternoon. Right after lunch.

11 THE COURT: Was it from 1, 2, 3, 10?

12 THE PROSPECTIVE JUROR: It was a table full of  
13 people talking about it.

14 THE COURT: Was it upstairs in the cafeteria?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: It was here?

17 THE PROSPECTIVE JUROR: And there was somebody in  
18 the room using a laptop to do research in the case. That's  
19 where they were getting their information from.

20 THE COURT: Someone had a laptop in that room?

21 THE PROSPECTIVE JUROR: Yes. There were multiple  
22 laptops in that room yesterday.

23 THE COURT: Do you -- did you see any of the  
24 laptops? Not just the laptops, but what was on the screen?

25 THE PROSPECTIVE JUROR: I saw the screen, the

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1 person sitting by the window looking something up. I don't  
2 know that they were specifically looking that up, but that's  
3 what they were talking about while they were on the screen.

4 THE COURT: Do you remember which juror it was  
5 that was on that laptop?

6 THE PROSPECTIVE JUROR: I can probably pick the  
7 person out.

8 THE COURT: We're not going to do a lineup.

9 THE PROSPECTIVE JUROR: I mean, I can't tell you  
10 specifically. Like, by memory which one it was. I didn't  
11 see their number, no. I can maybe describe them to you.

12 THE COURT: But you saw multiple laptops?

13 THE PROSPECTIVE JUROR: I saw at least two  
14 different laptops out yesterday.

15 THE COURT: And on one of them you saw --

16 THE PROSPECTIVE JUROR: It was sitting by the  
17 window.

18 THE COURT: You saw a screen that had --

19 THE PROSPECTIVE JUROR: A search engine results on  
20 that.

21 THE COURT: The other laptop, did you see that  
22 screen?

23 THE PROSPECTIVE JUROR: I just saw it out, no.

24 THE COURT: Mr. Shostak, I want to thank you for  
25 that information and for your time. I'm going to excuse you

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1 because I don't think you're well suited to sit on this  
2 case.

3 THE PROSPECTIVE JUROR: All right.

4 THE COURT: I appreciate your candor.

5 THE PROSPECTIVE JUROR: Do I still come back  
6 tomorrow for something else?

7 THE COURT: No, you don't. Unless you want to.

8 THE PROSPECTIVE JUROR: I get to sleep when I'm  
9 here, so I'm fine coming.

10 THE COURT: You can go to the central jury room,  
11 they will give you further instructions.

12 THE PROSPECTIVE JUROR: All right.

13 THE COURT: Thank you.

14 THE PROSPECTIVE JUROR: Thank you.

15 (The prospective juror exits.)

16 THE COURT: I think the only way to deal with this  
17 is to, in addition to asking each juror whether they heard  
18 discussions is whether they saw any computer devices or cell  
19 phones or anything else that had any information about this  
20 case on it. I have no idea how a juror gets a laptop into  
21 the court.

22 MR. FRISCH: I found something out to me this  
23 morning which was news to me. I brought this laptop into  
24 the court house this morning and I had an order from Judge  
25 Garaufis to permit it. And the officers downstairs told me

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1 anyone can bring in a laptop, anyone, which was news to me.  
2 I didn't know the rules had changed.

3 THE COURT: That's not my understanding of our  
4 protocols.

5 MR. FRISCH: It was news to me.

6 THE COURT: Ms. Granberg, did you bring a laptop?

7 MR. FRISCH: But we have an order for two laptops.  
8 This is the first time I brought one in and the court  
9 officer at the, whatever you call that machine, said anyone  
10 can bring in a laptop.

11 THE COURT: Well, I can't do anything about that  
12 now. I think we have to press on with our selection and  
13 just try to fare it out, any problems with individual  
14 jurors. So, and just so you know, I cut to the quick with  
15 Mr. Shostak because he held up his number for six or so  
16 questions. And they all were, the questions going towards  
17 basis law enforcement, things like that, and I just figured  
18 he would not make it through. So let's get it done quick.

19 Let's bring in Mr. Robert Gondek, number 61. The  
20 next three didn't raise their cards for anything, so maybe  
21 we can get three out of it and be closer to the end.

22 (The prospective juror enters.)

23 THE COURT: Good afternoon, Mr. Grondek.

24 THE PROSPECTIVE JUROR: How are you doing.

25 THE COURT: Did I pronounce that correctly?



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1 THE PROSPECTIVE JUROR: Yeah.

2 THE COURT: Mr. Grondek, when you were in the  
3 central jury room or in the ceremonial courtroom on Monday  
4 or at lunch, did you overhear any of your fellow perspective  
5 jurors talking about this case?

6 THE PROSPECTIVE JUROR: I heard like a couple  
7 people talking about it, but I didn't really hear what they  
8 were saying. I was like away from every one.

9 THE COURT: Did you see anyone in the central jury  
10 room yesterday with a laptop or other computer device that  
11 had open a search for this case, like, a search with  
12 results?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Now, this case has received some  
15 degree of media attention. Have you read, heard, or seen  
16 anything in the media, on the internet, or on social media  
17 before today about this case, or the defendant, Douglass  
18 Mackey, otherwise known as Ricky Vaughn?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: This case involves various individuals  
21 including the defendant, Mr. Mackey, who had strong  
22 political preferences during the 2016 presidential election  
23 campaign, including individuals who supported President  
24 Donald Trump and individuals who supported presidential  
25 candidate Hillary Clinton.

Jury Selection

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1           Do you have strong feelings or opinions related to  
2 the 2016 presidential election campaign or to those two  
3 candidates, such that it would overcome your duty to judge  
4 this case fairly and impartially?.

5           THE PROSPECTIVE JUROR: No.

6           THE COURT: Do you have any experience with what  
7 your perceive to be deliberately false or misleading  
8 information on the internet or social media?

9           THE PROSPECTIVE JUROR: No.

10          THE COURT: You should not assess that evidence  
11 based on whether you find the language used to be offensive  
12 or not. But, rather, whether that evidence tends to prove  
13 or disprove the elements of the crime.

14          If you found some of the evidence offensive, would  
15 you be able to set aside your feelings about its  
16 offensiveness and objectively consider it in a fair and  
17 impartial manner?

18          THE PROSPECTIVE JUROR: Yes.

19          THE COURT: The trial is going to start on Monday,  
20 the 20th and end, at the very latest on March 31st. Would  
21 serving on the jury during that period of time cause you a  
22 genuine hardship?

23          THE PROSPECTIVE JUROR: The only concern I have, I  
24 have a newborn. I'm just worried about my wife taking care  
25 of them alone.

Jury Selection

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1 THE COURT: Do you work during the day normally?

2 THE PROSPECTIVE JUROR: Yeah. My off days are  
3 Sunday, Monday, so ideally Monday I would like to be home to  
4 take care of the baby.

5 THE COURT: Have you, a family member, or close  
6 friend ever been involved in the criminal justice system?  
7 By that I mean, charged with a crime, convicted of a crime,  
8 been the subject of a criminal investigation, been a witness  
9 to a crime, victim of a crime, been a witness in a grand  
10 jury investigation, anything like that?

11 THE PROSPECTIVE JUROR: You said family member?

12 THE COURT: You, a family member, or a close  
13 friend.

14 THE PROSPECTIVE JUROR: That was involved in a  
15 crime?

16 THE COURT: In any way. Either accused of the  
17 crime, or a victim of the crime, a witness.

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Tell me about that.

20 THE PROSPECTIVE JUROR: My wife's father, he was  
21 charged with something.

22 THE COURT: Was he ultimately convicted?

23 THE PROSPECTIVE JUROR: No. He was found  
24 innocent.

25 THE COURT: Is there anything about that

Jury Selection

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1 experience that would cause you to be -- cause you, affect  
2 your ability to be fair and impartial?

3 THE PROSPECTIVE JUROR: No, no. I don't think so.

4 THE COURT: Have you, a family member, or close  
5 friend ever been a party to a legal action against, or had a  
6 dispute with the United States, or any of its agencies or  
7 employees?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: You live in Massapequa Park?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: How long have you lived there?

12 THE PROSPECTIVE JUROR: Ten years.

13 THE COURT: Do you own or do you rent your home?

14 THE PROSPECTIVE JUROR: Own?

15 THE COURT: You live with your wife and your baby.

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: First child?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: How old?

20 THE PROSPECTIVE JUROR: Three months.

21 THE COURT: What does your wife do for a living?

22 THE PROSPECTIVE JUROR: She's, she reads  
23 investment bonds.

24 THE COURT: What do you do for a living?

25 THE PROSPECTIVE JUROR: Electrician.

Jury Selection

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1 THE COURT: What is the highest level of education  
2 you've completed?

3 THE PROSPECTIVE JUROR: High school.

4 THE COURT: Have you ever served in the military?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: Where do you get your news from?  
7 Newspaper, radio, television, internet, social media,  
8 podcasts, other sources?

9 THE PROSPECTIVE JUROR: Just like word of mouth.  
10 I'm like a hermit, I guess. I don't have a social media or  
11 anything like that.

12 THE COURT: Your not on social media?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: No Facebook?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Twitter.

17 THE PROSPECTIVE JUROR: No, nothing.

18 THE COURT: TikTok?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: What about the internet? Do you use  
21 the internet?

22 THE PROSPECTIVE JUROR: Yeah, but I don't look up  
23 news or anything like that. I just do my thing and that's  
24 it.

25 THE COURT: Are you concerned about the

Jury Selection

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1 reliability of information that you find on the internet or  
2 social media?

3 THE PROSPECTIVE JUROR: I would say so. Can't  
4 trust everything.

5 THE COURT: Will that concern affect your ability  
6 to be fair and impartial in this case?

7 THE PROSPECTIVE JUROR: I don't think so.

8 THE COURT: Have you ever been involved in voter  
9 education, voter registration, or any get out the vote  
10 efforts?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: Do you have any hobbies? How do you  
13 spend your free time, assuming you have free time.

14 THE PROSPECTIVE JUROR: I play sports and I work  
15 on cars.

16 THE COURT: Are there any television shows or  
17 radio programs that you regularly watch or listen to?

18 THE PROSPECTIVE JUROR: Not really. Whatever my  
19 wife is watching.

20 THE COURT: Can you be fair and impartial in this  
21 case?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: Is there anything about this case that  
24 would caution you to favor one side over the other?

25 THE PROSPECTIVE JUROR: No.

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1           THE COURT: Would you be able to set aside any  
2     sympathies or biases you may have for any of the parties in  
3     this case and render an impartial verdict based solely on  
4     the evidence presented in court and the law as given to you  
5     by Judge Garaufis?

6           THE PROSPECTIVE JUROR: Yes.

7           THE COURT: Any follow-up questions for  
8     Mr. Grondek?

9           MR. BUFORD: No thank you, your Honor.

10          DEFENSE ATTORNEY: No thank you, your Honor.

11          THE COURT: Okay, Mr. Grondek. I'm going to ask  
12     you to go to the other court room, they'll escort you there,  
13     and we'll get back to you later in the day.

14          (The prospective juror exits.)

15          THE COURTROOM DEPUTY: Ready for 62?

16          THE COURT: Number 62. Samuel Shipman.

17          (The prospective juror enters.)

18          THE COURT: Good afternoon, Mr. Shipman.

19          THE PROSPECTIVE JUROR: Good afternoon.

20          THE COURT: Mr. Shipman, as you were in either the  
21     ceremonial courtroom on Monday or the central jury room  
22     yesterday or at lunch, did you hear any of your fellow  
23     perspective jurors discussing this case?

24          THE PROSPECTIVE JUROR: No.

25          THE COURT: Did you observe anyone with a laptop

Jury Selection

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1 or other internet capable device with a search engine on  
2 that with results of a search on this case?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: Now, this case has received some  
5 degree of media attention. Have you read, heard, or seen  
6 anything in the media or on the internet or on social media  
7 before today about this case or about the defendant,  
8 Douglass Mackey, otherwise known as Ricky Vaughn?

9 THE PROSPECTIVE JUROR: I don't, I have a  
10 subscription to the New York Times, so I don't remember  
11 details, but it's possible that I -- it sounds like vaguely  
12 familiar. Because I know that I've read articles that  
13 involve elections and deception, but I don't remember if it  
14 was this specific case to be honest.

15 THE COURT: Based on your vague recollection of  
16 reading things like that, have you formed any ideas or  
17 opinions or conclusions about the facts of this case or  
18 about Mr. Mackey?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: This case involves various  
21 individuals, including the defendant, Mr. Mackey, who had  
22 strong political preferences during the 2016 presidential  
23 election campaign, including individuals who supported  
24 President Donald Trump and individuals who supported  
25 presidential candidate Hillary Clinton.



Jury Selection

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1           Do you have strong feelings or opinions related to  
2 the 2016 presidential election campaign or to the two  
3 candidates in that campaign such that it would overcome your  
4 duty to judge this case fairly and impartially?

5           THE PROSPECTIVE JUROR: Possibly, yes.

6           THE COURT: How so?

7           THE PROSPECTIVE JUROR: I feel like there was a  
8 lot of misinformation during that time and how it ended up  
9 turning out made me very emotional, and I still feel a  
10 little emotional about it. I mean, I would do my best to be  
11 impartial, but I can't help but feel emotional any time that  
12 election and that time period and things that happened are  
13 brought up.

14           THE COURT: It's not impermissible for us or for  
15 jurors to have emotions about a lot of things, even the case  
16 they're called upon to adjudicate. The question is, and  
17 what is impermissible is if jurors allow their emotions to  
18 overcome their duty to look objectively at evidence, assess  
19 it, and render a verdict based on the law that's given by  
20 the judge without allowing their emotions to interfere with  
21 that.

22           THE PROSPECTIVE JUROR: I think I can do that. I  
23 think I can be objective.

24           THE COURT: Do you have any experience with what  
25 you perceive to be deliberately false or misleading

Jury Selection

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1 information on the internet or on social media? Any  
2 personal experience?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: I think you alluded to that you read  
5 something in the New York Times, maybe, about it and in  
6 relation to elections.

7 THE PROSPECTIVE JUROR: Is that what you meant if  
8 I read about?

9 THE COURT: No, I was asking if you had  
10 experience.

11 THE PROSPECTIVE JUROR: Like, if I have given  
12 misinformation?

13 THE COURT: Yes. Have you come across anything on  
14 social media or the internet that your like geez, that's  
15 deliberately false or misleading. Personal experience in  
16 that regard and I think you said no.

17 THE PROSPECTIVE JUROR: Well, I have a friend from  
18 Hong Kong who is on Facebook all of the time and I have a  
19 recollection of her telling me something and sharing a  
20 Facebook story with me. I don't remember the details of it,  
21 but I remember at the time going and trying to research  
22 other sources and finding the information that she gave me  
23 was incorrect and sending her those other sources. I do  
24 have that memory.

25 THE COURT: Will you be able to set aside any

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1 experiences that you had with false information, misleading  
2 information on the internet, or on social media, set those  
3 aside, and judge this case based solely on the evidence  
4 presented in court and the laws given to you by Judge  
5 Garaufis and do that in an impartial and fair manner?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: At trial, you may hear some language  
8 that you may find to be offensive. You should not assess  
9 that evidence based on whether you find the language used to  
10 be offensive or not. But, rather, whether that evidence  
11 tends to prove or disprove the elements of the crime.

12 If you found some of the evidence offensive, would  
13 you be able to set aside your feelings about its  
14 offensiveness and objectively hear the evidence and render  
15 an impartial and fair verdict?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: The trial is going to start on the  
18 20th of March and go until the 31st, at the very latest. Is  
19 there any reason why this would cause you a genuine hardship  
20 if you were selected to serve on the jury?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: Have you, a family member, or close  
23 friend ever been charged with a crime, convicted of a crime,  
24 or been the subject of a criminal investigation, witness to  
25 a crime, witness in a grand jury investigation?

Jury Selection

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1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Victim of a crime? No?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: You, a family member, or close friend  
5 ever been a party to a legal action against or had a dispute  
6 with the United States of America any of its agencies or  
7 employees?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: You live in Brooklyn?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: How long have you lived in Brooklyn?

12 THE PROSPECTIVE JUROR: About 15 years now.

13 THE COURT: Do you own or do you rent your home?

14 THE PROSPECTIVE JUROR: I rent.

15 THE COURT: Do you live with anyone?

16 THE PROSPECTIVE JUROR: My boyfriend.

17 THE COURT: What does he do for a living?

18 THE PROSPECTIVE JUROR: He's an accountant.

19 THE COURT: What do you do for a living?

20 THE PROSPECTIVE JUROR: I'm a flight attendant.

21 THE COURT: I won't ask you who you work for.

22 What's your highest level of education?

23 THE PROSPECTIVE JUROR: College.

24 THE COURT: You graduated --

25 THE PROSPECTIVE JUROR: A four-year degree.

Jury Selection

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1 THE COURT: A Bachelor's degree?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: Ever served in the military?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: Where do you get your news from?

6 Newspapers radio television, internet, social media  
7 podcasts, what?

8 THE PROSPECTIVE JUROR: Everything but -- like I  
9 said, I have a subscription to the New York Times, so I read  
10 that the most.

11 THE COURT: But other things as well?

12 THE PROSPECTIVE JUROR: Sometimes I listen to,  
13 like, to podcasts and watch the news on TV.

14 THE COURT: When you watch the news on TV, is  
15 there any particular station that you watch?

16 THE PROSPECTIVE JUROR: Often CNN.

17 THE COURT: And you use the internet and social  
18 media?

19 THE PROSPECTIVE JUROR: Not as much as others, but  
20 yeah. I'm not on Facebook, I haven't been on Facebook for a  
21 highly.

22 THE COURT: What about Twitter or Instagram?

23 THE PROSPECTIVE JUROR: Very little. But I'm, but  
24 yeah.

25 THE COURT: You have both of those?

Jury Selection

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1 THE PROSPECTIVE JUROR: I have accounts, yes.

2 THE COURT: How frequently are you, do you use  
3 them? Weekly, monthly, daily, what?

4 THE PROSPECTIVE JUROR: Just like once a month, I  
5 would say.

6 THE COURT: Are you concerned at all about the  
7 reliability of the information that you find on the internet  
8 and social media?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: Will that concern affect your ability  
11 to be fair and impartial in this case?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Have you ever been involved in voter  
14 education, voter registration, or any get out the vote  
15 efforts?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Do you have any hobbies? How do you  
18 spend your free time?

19 THE PROSPECTIVE JUROR: Yoga, running, city biking  
20 around.

21 THE COURT: Okay.

22 And are there any television shows or regular  
23 programs that you regularly watch or listen to?

24 THE PROSPECTIVE JUROR: I like Law and Order a  
25 lot. Law and Order SVU.

Jury Selection

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1 THE COURT: It's not like that in real life, you  
2 know.

3 THE PROSPECTIVE JUROR: I know.

4 THE COURT: Can you be fair and impartial in this  
5 case?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Is there anything about this case that  
8 would cause you to favor one side over the other?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: Will you be able to set aside any  
11 sympathies or biases you may have for any of the parties you  
12 have in this case and render an impartial verdict based  
13 solely on the evidence presented in court and the law as  
14 given to you by Judge Garaufis?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: Any follow up for Mr. Shipman?

17 MR. BUFORD: Not from the Government, thank you.

18 MR. FRISCH: No, thank you.

19 THE COURT: Thank you, Mr. Shipman. They're going  
20 to escort you into the next courtroom and we're going to  
21 continue this process. We're probably going to break for  
22 lunch. Actually, you know what? Let's break for lunch now  
23 and then --

24 THE COURTROOM DEPUTY: You have one more waiting  
25 outside.

Jury Selection

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1 THE COURT: Okay, we'll do that one more. We'll  
2 do Mr. Matthews and then we'll break at 12:35, hopefully.  
3 But please escort Mr. Shipman outside.

4 (The prospective juror exits.)

5 (The prospective juror enters.)

6 THE COURT: Good afternoon, Mr. Matthews.

7 THE PROSPECTIVE JUROR: Good afternoon.

8 THE COURT: Leighton Matthews, Juror Number 63.

9 Mr. Matthews, while you were waiting in the  
10 central jury room yesterday, today, yesterday at lunch, or  
11 Monday when we were in the ceremonial courtroom, did you  
12 overhear any of your fellow jurors talking about this case,  
13 the facts, anything like that related to the case?

14 THE PROSPECTIVE JUROR: No, not really. Just  
15 general, but nothing specific and I wasn't involved in the  
16 conversation.

17 THE COURT: Did you see any laptops, or internet  
18 access devices, cell phones or anything that had on their  
19 screens anything related to the case?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Now this case has received some degree  
22 of media attention. Have you read, heard, or seen anything  
23 on the media on the internet or on social media before today  
24 about this case, or about the defendant, Douglass Mackey,  
25 otherwise known as Ricky Vaughn?



Jury Selection

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1 THE PROSPECTIVE JUROR: No.

2 THE COURT: This case involves various individuals  
3 including the defendant, Douglass Mackey, who had strong  
4 political preferences during the 2016 presidential election  
5 campaign, including individuals who supported President  
6 Donald Trump and individuals who supported presidential  
7 candidate Hillary Clinton.

8 Do you have strong feelings or opinions related to  
9 the 2016 presidential election campaign or to candidates in  
10 that campaign such that it would overcome your duty to judge  
11 this case fairly and impartially?

12 THE PROSPECTIVE JUROR: Maybe.

13 THE COURT: How so? Tell me. Before you answer,  
14 let me just -- and you give me whatever answer you want to  
15 give me. This is you and your feelings and everything. But  
16 we ask jurors to, and they're sworn, to decide cases fairly  
17 and impartially based solely on the evidence presented in  
18 court and the law that's given to you by the judge. We  
19 require them to exclude their personal feelings and not let  
20 those feelings overcome their verdict. If they can't do  
21 that, if they would be guided by their personal feelings and  
22 not the evidence, we want to know that. But we require them  
23 to make sure that they can keep their feelings out of it.  
24 So why don't you answer the question.

25 THE PROSPECTIVE JUROR: Okay, I think I can do

## Jury Selection

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1 that. But I'm very biased to a specific party. Plus, there  
2 was stuff that went on in 2016 that would make me think  
3 twice. Even if I listen to the case, maybe I would have a  
4 preference, I think so.

5 THE COURT: Let me ask you this question. If you  
6 were selected as a juror and you heard the Government's  
7 evidence. And the Government has the burden to prove beyond  
8 a reasonable doubt that Mr. Mackey is guilty. And if you  
9 heard the Government's evidence and you concluded that they  
10 failed to meet their burden of proof, they didn't prove  
11 beyond a reasonable doubt that Mr. Mackey committed the  
12 crime they claim, would you have, despite your feelings one  
13 party or the other, whatever, I don't know which party.  
14 Would you have any hesitation to find Mr. Mackey not guilty?

15 THE PROSPECTIVE JUROR: No, I would never find  
16 somebody guilty based on something other than the evidence.

17 THE COURT: On the other hand, if the Government  
18 would submit evidence to you and you found that evidence did  
19 prove beyond a reasonable doubt that the defendant is  
20 guilty, could you return a guilty verdict?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: In viewing the evidence, do you  
23 believe that you would be, and whether it rose to the level  
24 of proof beyond a reasonable doubt, do you believe that your  
25 personal feelings would color the way you looked at that

Jury Selection

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1 evidence?

2 THE PROSPECTIVE JUROR: If it's close. It could  
3 be. If they don't -- if they don't prove it 100 percent or  
4 the other side didn't disprove it, maybe I could. I would  
5 have to use my own judgment and I would maybe lean to the  
6 other side based on that.

7 THE COURT: Mr. Matthews, I'm going to, unless  
8 there's any objection, I'm going to excuse you from serving  
9 on this jury.

10 MR. BUFORD: No objection.

11 MR. FRISCH: No objections.

12 THE COURT: You can report to the central jury  
13 room and they will give you further instructions.

14 THE PROSPECTIVE JUROR: Okay, thank you.

15 THE COURT: Okay.

16 Do we have 30?

17 MR. BUFORD: Yes.

18 THE COURT: So that means we need ten.

19 MR. BUFORD: Or six.

20 THE COURT: Or six. Judge Garaufis wants six  
21 alternates, so we're going to try to do that.

22 THE COURTROOM DEPUTY: Judge, can they go to lunch  
23 or?

24 THE COURT: I want to give them some more warnings  
25 before they go.

Jury Selection

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1 MR. FRISCH: While you go, can we head out for  
2 lunch?

3 THE COURT: Absolutely.

4 MR. BUFORD: Your Honor, just in terms of the  
5 count, I think you said you wanted to talk and review who  
6 was collected already to make sure about the --

7 THE COURT: I will talk about the -- that's true.  
8 That's true. We can only that at 2 o'clock.

9 MR. BUFORD: I understand. I just want to be  
10 optimistic about the numbers.

11 THE COURT: Yes. I would like to, if at all  
12 possible, we still have the outstanding challenge from Juror  
13 Number 1 that I said I would hold in abeyance, if we can get  
14 11 more, then we can let her go. But I'd like to do that --  
15 I really want to get done by like 3:30. So we can let,  
16 also, Mr. I forget his name, Juror Number 46, go to his  
17 award ceremony. But I will inquire about him.

18 THE COURTROOM DEPUTY: So judge, you are going to  
19 the jury room. Do you want this to be on the record or off  
20 the record? I'm just asking so that the court reporter can  
21 go before you.

22 THE COURT: Yes, why don't you go?

23 THE COURTROOM DEPUTY: What time should everyone  
24 be back?

25 THE COURT: Everybody should be back here ready to

Jury Selection

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1 go at 1:30. The people in there can be back there at  
2 2 o'clock.

3 (Continued on the next page.)  
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*Jury Selection*

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1 (continuing.)

2 (The following took place in the central jury room.)

3 THE COURT: Okay, folks, good news. Good news, not  
4 great news. Good news.

5 So we're going to break for lunch. Be back here at  
6 1:30. We need 11 more people to be qualified. My goal is to  
7 have that done -- I hope we can do it. I can't guarantee it,  
8 but my goal is to have it done by 3:30. Once we hit that  
9 number that we need, unless there's any quirks, everyone else  
10 will be released from further service and we'll pick our jury  
11 from the folks that we've qualified.

12 Please, do not talk about the case. Do not do any  
13 research. No Google searches. Nothing. Don't talk to each  
14 other, and if you are approached by any of the parties in the  
15 lunch break, let me know.

16 So 1:30, be back here.

17 (Lunch recess taken.)

18 (Continued on the following page.)

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1                    A F T E R N O O N   S E S S I O N

2                    (In open court; prospective jurors not present.)

3                    THE COURT: Okay. Ready to continue? Julia Weiss,  
4 Juror Number 64, answered affirmatively to questions 10, 17,  
5 18, 19, and 21, if I'm not mistaken.

6                    (The prospective juror approaches.)

7                    THE COURT: Good afternoon, Ms. Weiss.

8                    THE PROSPECTIVE JUROR: Good afternoon.

9                    THE COURT: You indicated in the ceremonial  
10 courtroom on the first day that you have prepaid vacation  
11 plans or confirmed medical appointments over the next two  
12 weeks that cannot be moved; is that correct?

13                    THE PROSPECTIVE JUROR: Yes. I have a trip to Paris  
14 from the 26th to the 31st of this month. It cannot be moved,  
15 unfortunately.

16                    THE COURT: Okay. Goodbye. You are excused.

17                    THE PROSPECTIVE JUROR: Wow, that was easy. Thank  
18 you.

19                    THE COURT: Thank you.

20                    (The prospective juror exits.)

21                    THE LAW CLERK: Ready for 65?

22                    THE COURT: Yep. Janine Murphy. Affirmatively  
23 answered questions 12 and 17.

24                    (The prospective juror approaches.)

25                    THE COURT: Good afternoon, Ms. Murphy.

*Jury Selection*

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1 THE PROSPECTIVE JUROR: Hello.

2 THE COURT: Ms. Murphy, during the -- when you were  
3 in the central jury room or in the ceremonial courtroom on  
4 Monday or during the lunch breaks, did you overhear any of  
5 your fellow prospective jurors talking about the case?

6 THE PROSPECTIVE JUROR: No, sir.

7 THE COURT: Did you observe anyone with a laptop or  
8 a tablet with information about the case up on a search?

9 THE PROSPECTIVE JUROR: No, sir.

10 THE COURT: Okay. This case has received some  
11 degree of media attention.

12 Have you read, heard, or seen anything in the media,  
13 on the internet, or on social media before today about the  
14 case or about the defendant, Douglass Mackey, otherwise known  
15 as Ricky Vaughn?

16 THE PROSPECTIVE JUROR: No, sir.

17 THE COURT: This case involves various individuals,  
18 including the defendant, Douglass Mackey, who had strong  
19 political preferences during the 2016 Presidential election  
20 campaign, including individuals who supported President Donald  
21 Trump and individuals who supported Presidential candidate  
22 Hillary Clinton.

23 Do you have strong feelings or opinions related to  
24 the 2016 Presidential election campaign or to the two  
25 candidates during that campaign, such that it would overcome



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1 your duty to judge this case fairly and impartially?

2 THE PROSPECTIVE JUROR: I do have my opinion, but I  
3 don't think so.

4 THE COURT: Do you have any experience with what you  
5 perceived to be deliberately false or misleading information  
6 on the internet or on social media?

7 THE PROSPECTIVE JUROR: I'm not sure I understand  
8 your question.

9 THE COURT: Do you use the internet and social  
10 media?

11 THE PROSPECTIVE JUROR: I do.

12 THE COURT: Okay. During your use of the internet  
13 or social media, did you ever perceive that there was  
14 deliberately false or misleading information on whatever it  
15 was you saw, whether it was the internet or social media?

16 THE PROSPECTIVE JUROR: I guess so.

17 THE COURT: Would your experiences with such  
18 information affect your ability to be fair and impartial in  
19 this case? In other words --

20 THE PROSPECTIVE JUROR: Well, you would have to -- I  
21 guess you have to try to figure out what the truth is.

22 THE COURT: All right. Which is what we ask jurors  
23 to do. They decide the facts, what happened.

24 And in doing that, they are to be guided by the  
25 evidence that's submitted in the case; not their experiences

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1 outside the courtroom that happened whenever they happened.  
2 That is not relevant to the determination of what happened in  
3 this case. You have to judge this case based on the evidence  
4 that's submitted.

5 And this case involves allegedly false and  
6 misleading information on the internet or on social media.

7 So I'm asking you, is -- would you be able to set  
8 aside whatever feelings you had about what you saw elsewhere  
9 that may be misleading and judge this case on the facts that  
10 are presented in the courtroom as opposed to anything else?

11 THE PROSPECTIVE JUROR: I do, but can I just ask a  
12 question, or make a statement?

13 THE COURT: Sure.

14 THE PROSPECTIVE JUROR: I do have trouble coming  
15 here because I live very far distance, and for me to come here  
16 for two weeks would be very stressful and difficult for me, so  
17 I'm wondering if that would be, you know, helpful to you?

18 THE COURT: There's a question that deals with that,  
19 and we'll get to that.

20 THE PROSPECTIVE JUROR: Sorry.

21 THE COURT: That's okay. That's fine.

22 At trial, you may hear some language that you find  
23 to be offensive. You should not assess that evidence based on  
24 whether you believe it to be offensive or not, but, rather,  
25 whether that evidence tends to prove or disprove the elements

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1 of the crime. If you found some evidence to be offensive,  
2 would be able to set aside your feelings about its  
3 offensiveness and objectively consider that evidence and be  
4 fair and impartial in rendering your verdict?

5 THE PROSPECTIVE JUROR: I -- I believe so.

6 THE COURT: You indicated that you served on a jury  
7 before, correct?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: When was that? What type of case?  
10 Which court was it in?

11 THE PROSPECTIVE JUROR: I served three times on jury  
12 duty. I've had -- 2018 or '19, it was a drug case in Suffolk  
13 County. Also, I was on a jury for a negligence case, and also  
14 a murder trial.

15 THE COURT: And was that murder trial also in  
16 Suffolk County?

17 THE PROSPECTIVE JUROR: All of them were in Suffolk  
18 County.

19 THE COURT: All of them in Suffolk.  
20 And in each of the cases, did you reach a verdict?  
21 Don't tell me what the verdicts were, just if you reached  
22 verdicts or not.

23 THE PROSPECTIVE JUROR: I don't -- I was an  
24 alternate on the last one, so I don't know what the verdict  
25 actually was. They did reach a verdict, though.

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1 And the negligent case settled out of court.

2 And a few days after questioning, I was released  
3 from the murder trial.

4 THE COURT: You also indicated that you have close  
5 friends or relatives who are lawyers or work for lawyers, or  
6 work for a judge or in a courthouse. Tell me about that,  
7 please.

8 THE PROSPECTIVE JUROR: I have a nephew who is a  
9 attorney for corporate law.

10 THE COURT: Okay. In this case, you are going to  
11 have to decide the verdict based on the law that Judge  
12 Garaufis tells you applies. There's not going to be any  
13 corporate law involved, but to the extent you may have learned  
14 something from your nephew about the area of law, can you put  
15 what you learned aside and take the law from Judge Garaufis  
16 and use that in rendering your verdict?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: Anything about your relationship with  
19 your nephew who is a corporate lawyer who -- that would affect  
20 your ability to be fair and impartial in this case?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: So the difficulty in serving on this  
23 jury from March 20th to March 31st, for you, is because of the  
24 travel and the distance that you live from the court -- from  
25 this courthouse, as opposed to the Central Islip courthouse.

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1 I mean, you probably live far away from Central Islip  
2 courthouse, too?

3 THE PROSPECTIVE JUROR: It's about a half an hour.

4 THE COURT: That's better.

5 Are there any other issues in relation to the length  
6 of the trial that would cause you a genuine hardship?

7 THE PROSPECTIVE JUROR: I have a husband who just  
8 recently had back surgery, so he -- I do need to help him from  
9 time to time. He can't bend, he can't lift, he can't twist or  
10 anything. He had the spinal surgery.

11 THE COURT: When did he have the surgery?

12 THE PROSPECTIVE JUROR: February 2nd.

13 THE COURT: Was it a fusion or --

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: What levels?

16 THE PROSPECTIVE JUROR: Lower -- I don't know, S1/5,  
17 something like that.

18 THE COURT: All right. Have you, a family member,  
19 or close friend ever been involved in the criminal justice  
20 system, meaning charged with a crime, convicted of a crime,  
21 subject of a criminal investigation, witness, victim, witness  
22 in a grand jury investigation, anything like that?

23 THE PROSPECTIVE JUROR: I was -- I was a bank  
24 manager, and I was involved in a bank robbery.

25 THE COURT: Is there anything about that experience

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1 that would affect your ability to be fair and impartial in  
2 this case?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: Have you, a family member, or close  
5 friend ever been a party to a legal action against, or had a  
6 dispute with, the United States of America or any of its  
7 agencies or employees?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: You live in Selden? How long?

10 THE PROSPECTIVE JUROR: How long have I lived there?

11 THE COURT: Yes.

12 THE PROSPECTIVE JUROR: Thirty years.

13 THE COURT: Do you own or do you rent your home?

14 THE PROSPECTIVE JUROR: I own.

15 THE COURT: And you live with your husband?

16 THE PROSPECTIVE JUROR: I do.

17 THE COURT: What is -- is your husband -- I know  
18 he's recovering from his surgery now, but does he work?

19 THE PROSPECTIVE JUROR: He's a general foreman for  
20 The Town of Huntington.

21 THE COURT: And do you have any children?

22 THE PROSPECTIVE JUROR: I do not.

23 THE COURT: Are you employed?

24 THE PROSPECTIVE JUROR: I am recently retired.

25 THE COURT: What did you do?

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1 THE PROSPECTIVE JUROR: I was a bank manager.

2 THE COURT: You told me that. I'm sorry.

3 What's the highest level of education you've  
4 completed?

5 THE PROSPECTIVE JUROR: Two years of college.

6 THE COURT: Have you ever served in the military?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Where do you get your news from?

9 Newspapers, radio, television, internet, social --

10 THE PROSPECTIVE JUROR: Television.

11 THE COURT: Television?

12 THE PROSPECTIVE JUROR: (No verbal response.)

13 THE COURT: What channels do you watch that you get  
14 your news from?

15 THE PROSPECTIVE JUROR: Channel 2, Channel 12.

16 THE COURT: Do you use the internet, and are you on  
17 social media?

18 THE PROSPECTIVE JUROR: I am.

19 THE COURT: What social media platforms do you use?

20 THE PROSPECTIVE JUROR: Facebook and Instagram.

21 THE COURT: And what about the internet? How do you  
22 use it?

23 THE PROSPECTIVE JUROR: I Google search. That's it.

24 THE COURT: Are you concerned -- what's the  
25 frequency with which you use Facebook and Instagram?

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1 THE PROSPECTIVE JUROR: I use them every day.

2 THE COURT: Are you concerned at all about the  
3 reliability of the information you find on the internet and  
4 social media?

5 THE PROSPECTIVE JUROR: Not overly concerned, no.

6 THE COURT: Have you ever been involved in voter  
7 education or voter registration, or any get-out-the-vote  
8 efforts?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: What television shows or radio programs,  
11 if any, do you regularly watch or listen to?

12 THE PROSPECTIVE JUROR: I don't know.

13 THE COURT: Anything in particular?

14 THE PROSPECTIVE JUROR: Yellowstone, the Chicago PD  
15 and the Chicago fire department show. I stream things, you  
16 know, on the -- on TV, I don't know.

17 THE COURT: Netflix and stuff like that?

18 THE PROSPECTIVE JUROR: Netflix, movies, yes.

19 THE COURT: All right.

20 THE PROSPECTIVE JUROR: Hallmark.

21 THE COURT: Do you have any hobbies? How do you  
22 spend your free time?

23 THE PROSPECTIVE JUROR: I have a dog. I spend a lot  
24 of time with my dog. And I actually do have a little like  
25 part-time job with a dog breeder, helping out.



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1           THE COURT: Is there any reason why you cannot be  
2 fair and impartial in this case?

3           THE PROSPECTIVE JUROR: No.

4           THE COURT: Is there anything about this case that  
5 would cause you to favor one side over the other?

6           THE PROSPECTIVE JUROR: No.

7           THE COURT: Will you be able to set aside any  
8 sympathies or biases you may have for any of the parties in  
9 this case and render an impartial verdict based solely on the  
10 evidence presented and the law as given to you by Judge  
11 Garaufis?

12           THE PROSPECTIVE JUROR: Yes.

13           THE COURT: Any follow-up questions for Ms. Murphy?

14           MR. BUFORD: No, thank you, Your Honor.

15           MR. FRISCH: Can I ask a question from here without  
16 going to the sidebar?

17           THE COURT: Sure.

18           MR. FRISCH: Just to inquire more about the  
19 prospective juror's -- the needs of the prospective juror's  
20 husband and the commute and just make sure we're all okay with  
21 that.

22           THE COURT: Is your husband able to ambulate?

23           THE PROSPECTIVE JUROR: Yes.

24           THE COURT: Able to dress himself?

25           THE PROSPECTIVE JUROR: Yes.

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1 THE COURT: Able to toilet on his own?

2 THE PROSPECTIVE JUROR: Mm-hmm.

3 THE COURT: Can he -- not asking if he's a good cook  
4 for not, but can he prepare his own meals?

5 THE PROSPECTIVE JUROR: Yes, he can.

6 THE COURT: Okay. Having been someone who has had  
7 similar surgery, I can appreciate the recovery, but -- and I  
8 do appreciate how our district is spread out and how we have  
9 people from the Island coming into Brooklyn, and folks from  
10 Staten Island going out to CI --

11 THE PROSPECTIVE JUROR: It's really too far. It's  
12 six hours a day in the car, sir.

13 THE COURT: I know that, but that is our jury pool.  
14 That is the district that we -- that has been created. You  
15 could argue that it should be two districts because we have 8  
16 million people in this district --

17 THE PROSPECTIVE JUROR: I know, but I heard other  
18 jurors say that they got called to Central Islip and because  
19 they lived here, they were able to come here, so why is that  
20 not fair for me since I don't live close by?

21 THE COURT: Because the -- because our jury --

22 THE PROSPECTIVE JUROR: It's stressful for me.

23 THE COURT: I understand that, I do. And it's  
24 stressful for every juror who is asked to cross the district  
25 to serve on jury duty, but that is our jury pool and I don't

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1 know who these folks are who said that they were released from  
2 their jury service, but it's been my practice for 17 years and  
3 the practice of all the judges in this court not to exclude  
4 jurors solely based that reason.

5 So I'm going to ask you to bear with us and you are  
6 a qualified juror to serve on this case and if you will go  
7 with Chloe and Barbara, they will take you into the other room  
8 and we'll do our -- at the end of the -- I hope before  
9 three o'clock or 3:30, we'll do our -- exercise our peremptory  
10 challenges and it may be that you get struck. Actually, you  
11 have a greater chance of being struck from the jury than being  
12 picked to serve on the jury, that's the way the numbers work  
13 out. So I'm sorry, Ms. Murphy.

14 THE PROSPECTIVE JUROR: I'm finished?

15 THE COURT: Yes, thank you.

16 (The prospective juror exits.)

17 (The prospective juror approaches.)

18 THE COURT: Good afternoon, Ms. Fernandez.

19 THE PROSPECTIVE JUROR: Good afternoon.

20 THE COURT: Elsa Fernandez, Juror Number 66.

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Ms. Fernandez, in either Monday,  
23 Tuesday, or earlier today, when you were in the central jury  
24 room, or when you were in the ceremonial courtroom, did you  
25 overhear any of the other jurors talking about the case?

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1 THE PROSPECTIVE JUROR: No. No, sir.

2 THE COURT: Did you observe any of the other jurors  
3 with a laptop computer or a tablet that had a search up that  
4 had information about the case on it?

5 THE PROSPECTIVE JUROR: No, sir.

6 THE COURT: Okay. This case has received media  
7 attention.

8 Have you read, heard, or seen anything in the media,  
9 on the internet, or on social media before today about this  
10 case or about the defendant, Douglass Mackey, otherwise known  
11 as Ricky Vaughn?

12 THE PROSPECTIVE JUROR: No, sir.

13 THE COURT: This case involves individuals,  
14 including the defendant, Douglass Mackey, who had strong  
15 feelings -- excuse me -- strong political preferences during  
16 the 2016, Presidential election campaign, including  
17 individuals who supported President Donald Trump and  
18 individuals who supported Presidential candidate Hillary  
19 Clinton.

20 Do you have strong feelings or opinions related to  
21 the 2016 Presidential election campaign, or to the two  
22 candidates, such that it would overcome your duty to be fair  
23 and impartial in this case?

24 THE PROSPECTIVE JUROR: No, sir.

25 THE COURT: Do you have any experience with what you

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1 perceive to be deliberately false or misleading information on  
2 the internet or on social media?

3 THE PROSPECTIVE JUROR: No, sir.

4 THE COURT: At trial, you may hear some language  
5 that you may find to be offensive. You should not assess that  
6 evidence based on whether you find it to be offensive or not,  
7 but, rather, based on whether that evidence tends to prove or  
8 disprove the elements of the crime charged. If --

9 THE PROSPECTIVE JUROR: I don't think so.

10 THE COURT: Hold on.

11 If you find some evidence offensive, would you be  
12 able to set aside your feelings about its offensiveness and  
13 look at the evidence objectively and decide this case fairly  
14 and impartially?

15 THE PROSPECTIVE JUROR: Well, I believe the -- if I  
16 found some evidence that pointed to guilty verdict, I will.

17 THE COURT: Okay. So, in other words, if you found  
18 some evidence to be offensive to you, you could put aside your  
19 feelings about it and decide whether that evidence proved or  
20 disproved the case, yes?

21 THE PROSPECTIVE JUROR: Well, depend on those  
22 evidence are.

23 THE COURT: Okay. It depends on the evidence,  
24 right?

25 THE PROSPECTIVE JUROR: Yeah.

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1 THE COURT: You've served on a jury before, yes?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: Can you tell me when that was, what kind  
4 of case it was, which court it was in, and whether you ended  
5 up rendering a verdict?

6 THE PROSPECTIVE JUROR: No, sir.

7 THE COURT: You don't remember when it was, where it  
8 was?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: Was it here in Brooklyn where you served  
11 on a jury?

12 THE PROSPECTIVE JUROR: I don't know.

13 THE COURT: You don't remember, okay.

14 Any objection if we allow Ms. Fernandez to be  
15 excused?

16 MR. BUFORD: No, Your Honor.

17 MR. FRISCH: No.

18 THE COURT: Ms. Fernandez, I will excuse you from  
19 serving on the jury. You can go to the central jury room and  
20 they will give you further instructions, okay?

21 THE PROSPECTIVE JUROR: Okay. Thank you.

22 (The prospective juror exits.)

23 THE LAW CLERK: Sixty-seven?

24 THE COURT: Yes, 67 is Christopher Cadieux.

25 Answered affirmatively to questions 12, 15, 17, and 18.

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1 (The prospective juror approaches.)

2 THE LAW CLERK: Mr. Cadieux.

3 THE COURT: Good afternoon, Mr. Cadieux.

4 THE PROSPECTIVE JUROR: Good afternoon.

5 THE COURT: Mr. Cadieux, when you were in the  
6 central jury room or in the ceremonial courtroom on Monday or  
7 during lunch, did you overhear any of your fellow prospective  
8 jurors discussing this case?

9 THE PROSPECTIVE JUROR: Not in those situations, but  
10 actually when we were leaving on Monday, coming out of the  
11 court building, there was some discussions, a bunch of --  
12 there was a crowd of folks that were walking toward the  
13 subway.

14 THE COURT: Okay. Did you hear clearly what they  
15 were saying?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: Would what they were saying affect in  
18 any way your ability to be fair and impartial in this case and  
19 to judge this case solely on the evidence presented in court  
20 and the instructions on the law given to you by Judge  
21 Garaufis?

22 THE PROSPECTIVE JUROR: What they said was nothing  
23 too much more than what was presented clearly when we first  
24 started the trial. I don't think that would affect me, but I  
25 do have -- I'm struggling with the subject matter of this

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1 case. I guess simply because, to me, it touches the root  
2 of -- of our freedoms, basically. If I could take a step  
3 backwards, I help out a lot with veterans. I volunteer my  
4 time. My dad is in the American Legion and we do a lot of  
5 collections, things like that, going out to the vets hospitals  
6 and distributing goods and whatnot. And what these folks have  
7 sacrificed for me to have my freedom to be able to choose the  
8 government that I want and the direction I want this country  
9 to go, I'm struggling with that, my belief, and what I know  
10 this case to be, as far as I know right now.

11 THE COURT: Your struggles with your firm  
12 well-founded beliefs and what you think this case is about,  
13 would that affect -- would it overcome your ability to  
14 objectively listen to the evidence that's presented in court,  
15 to put the government to its burden of proof to prove beyond a  
16 reasonable doubt that Mr. Mackey is guilty, and to listen to  
17 the law as given to you by Judge Garaufis?

18 THE PROSPECTIVE JUROR: I would like to believe that  
19 I'm an objective person, and, you know, truth -- truth told  
20 here, really, I'm not sure if it would or wouldn't, I would be  
21 honest. You know, I would like to think I could be objective  
22 and listen and weigh that, but, again, because of my  
23 experiences and seeing sacrifices a lot of these men and women  
24 have made, loss of limb and whatnot, that weighs heavily on  
25 me, too. I'm just being honest.



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1           THE COURT: We need jurors to be sure that they can  
2 be fair and impartial and not let their feelings, however  
3 well-founded, interfere with the process of objective  
4 evaluation and impartial adjudication. And if you are not  
5 sure, this is not the case for you, and that's fine, that's  
6 fine.

7           Unless there's any objection, I will excuse Mr.  
8 Cadieux, is it pronounced?

9           THE PROSPECTIVE JUROR: "Cadieux."

10          THE COURT: Mr. Cadieux from serving on this jury.

11          MR. BUFORD: No objection, Your Honor.

12          MR. FRISCH: No objection.

13          THE COURT: Thank you, Mr. Cadieux.

14          THE PROSPECTIVE JUROR: Thank you.

15          (The prospective juror is excused.)

16          THE LAW CLERK: Ready for 68?

17          THE COURT: Graziella Giambalvo, Juror Number 68,  
18 has served on a jury before, number 12.

19          (The prospective juror enters.)

20          THE COURT: Good afternoon, Ms. Giambalvo.

21          THE PROSPECTIVE JUROR: Good afternoon, Your Honor.

22          THE COURT: Ms. Giambalvo, during the time that you  
23 were in the jury room or the ceremonial courtroom or over  
24 lunch or after the day when you were leaving, did you overhear  
25 any of your fellow prospective jurors talking about the case?

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1 THE PROSPECTIVE JUROR: I may have heard --

2 THE COURT: If you can just move the mic a little  
3 closer.

4 THE PROSPECTIVE JUROR: I may have heard, but I  
5 don't know to what extent, because everybody was like talking  
6 all together, but not in proximity.

7 THE COURT: Okay. Would anything you heard affect  
8 your ability to be a fair and impartial juror in this case?

9 THE PROSPECTIVE JUROR: I would be fair.

10 THE COURT: Okay. During that same period of time,  
11 did you see any of your fellow jurors with a computer -- a  
12 laptop computer, a tablet computer -- that had information  
13 about the case on it?

14 THE PROSPECTIVE JUROR: I saw a laptop, one, but I  
15 don't know what type of information it had.

16 THE COURT: Okay. This case has received -- let me  
17 start over.

18 This case has received some degree of media  
19 attention. Before today, have you read, heard, or seen  
20 anything in the media, on the internet, or on social media  
21 about this case or about the Defendant, Douglass Mackey, who  
22 is otherwise known as Ricky Vaughn?

23 THE PROSPECTIVE JUROR: I remember -- see, I don't  
24 know to what extent. I mean, I've seen a lot of election  
25 tampering. I saw that on TV, but I don't know if it's all

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1 related.

2 THE COURT: Okay. Will you be able to set aside  
3 anything you may have seen or heard before about election  
4 tampering or particularly -- or specifically about this case,  
5 and be able to judge this case based solely on the evidence  
6 presented in court, and on the instructions on the law that  
7 you get from Judge Garaufis?

8 THE PROSPECTIVE JUROR: Yes, I would.

9 THE COURT: This case involves various individuals,  
10 including Mr. Mackey, who had strong political preferences  
11 during the 2016 Presidential election campaign, including  
12 individuals who supported President Donald Trump, and  
13 individuals who supported Presidential candidate Hillary  
14 Clinton.

15 Do you have strong feelings or opinions about the  
16 2016 Presidential election campaign or the two candidates in  
17 that campaign, such that it would overcome your duty to judge  
18 this case fairly and impartially?

19 THE PROSPECTIVE JUROR: I'm not sure that I would or  
20 wouldn't. I'm not sure. I'm just not sure if I would.

21 THE COURT: Ms. Giambalvo, we need people on this  
22 jury who are sure that they can put aside any of their  
23 personal feelings, political beliefs, or anything like that,  
24 and judge the case based only on the evidence presented in  
25 court, and the laws given to the jury by Judge Garaufis. If

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1 you can't be sure that you can do that, then you may not be  
2 the right juror to sit on this case.

3 THE PROSPECTIVE JUROR: I'm not sure. I think all  
4 election is fair, but I'm not sure about that one.

5 THE COURT: Okay.

6 Any objection to excusing Ms. Giambalvo from sitting  
7 on this case?

8 MR. BUFORD: No objection, Your Honor.

9 MR. FRISCH: No.

10 THE COURT: Okay, Ms. Giambalvo, I'm going to excuse  
11 you. You can go to the central jury room, and they will give  
12 you further instructions.

13 THE PROSPECTIVE JUROR: Okay. Thank you.

14 THE COURT: Thank you.

15 (The prospective juror is excused.)

16 THE COURT: Next juror is John Magri, number 69,  
17 answered affirmatively to questions 12, 15, 16, 18, 19,  
18 and 20.

19 THE LAW CLERK: Are you ready for him?

20 THE COURT: Yes.

21 (The prospective juror enters.)

22 THE COURT: Good afternoon, Mr. Magri.

23 THE PROSPECTIVE JUROR: Good afternoon.

24 THE COURT: I've got a number of questions I want to  
25 ask you, but I want to start with a couple things.

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1           You answered affirmatively to a number of questions  
2 that are sort of interrelated, if you will.

3           Do you have a background or taken courses in the  
4 law, worked for an attorney, law firm, judge or in a  
5 courthouse; family members, yourself, close friends, working  
6 for law enforcement; family members, yourself, or close  
7 friends having relationships or close friendships with people  
8 in the law enforcement; or, anyone who has been employed by  
9 the US Attorney's Office.

10           With respect to all of those things, is there  
11 anything about them -- about your answers to those  
12 questions -- that would affect -- that you think would affect  
13 your ability to be fair and impartial in this case? We will  
14 get to the substance of that in a moment, but I just want to  
15 cut to the quick, if you think that because of some  
16 relationship you have with someone in law enforcement or in  
17 the US Attorney's Office or your experience in the law or  
18 something like that, you can't be fair and impartial in this  
19 case, I want to know that before we go too far.

20           THE PROSPECTIVE JUROR: I can be fair and impartial,  
21 but, I don't know what you might think when you get to details  
22 of my time at the FBI, et cetera.

23           (Continued on the following page.)  
24  
25

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1 THE COURT: Okay. You can be fair and impartial.

2 THE PROSPECTIVE JUROR: I can.

3 THE COURT: Okay. All right. Before we go there,  
4 we've heard that there may have been discussions about this  
5 case amongst the jurors, the prospective jurors, either in  
6 the Central Jury Room, outside of the courthouse when  
7 leaving one day in the ceremonial courtroom.

8 Did you overhear any of those discussions?

9 THE PROSPECTIVE JUROR: Nothing about the  
10 substance of the case. There have been a lot of questions  
11 about how quickly the process is going. Questions about,  
12 like, some folks were fearful of the types of questions they  
13 would be asked in this room. Some believing there would be  
14 some sort of legal questions but absolutely nothing  
15 regarding, like, the defendant or any of the substance of  
16 the case.

17 THE COURT: Okay. During your time in the Central  
18 Jury Room, have you seen anyone with a laptop computer,  
19 tablet or other device that had any information about the  
20 case on it.

21 THE PROSPECTIVE JUROR: I believe there was  
22 someone the first day who had a laptop or computer. I have  
23 no idea what was on it.

24 THE COURT: Okay. This case has received some  
25 degree of media attention. Before today, have you read,

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1 heard, or seen anything in the media, on the internet, on  
2 social media about this case or anything about the defendant  
3 Douglas Mackey a/k/a Ricky Vaughn?

4 THE PROSPECTIVE JUROR: Not that I recall, no.

5 THE COURT: This case involves various individuals  
6 including the defendant Mr. Mackey who had strong political  
7 preferences during the 2016 presidential election campaign  
8 including individuals who supported President Donald Trump  
9 and individuals who supported presidential candidate Hillary  
10 Clinton.

11 Do you have strong feelings or opinions related to  
12 the 2016 presidential election campaign or the two  
13 candidates such that it would overcome your duty to be fair  
14 and impartial in this case.

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: You have any experience with what you  
17 perceive to be deliberately false or misleading information  
18 on the internet or on social media?

19 THE PROSPECTIVE JUROR: Widespread and consistent.  
20 Are you talking about specifically this case?

21 THE COURT: No, just in general.

22 THE PROSPECTIVE JUROR: Yes, widespread and  
23 consistent. Consistently misleading or incomplete.

24 THE COURT: All right. Would your experiences in  
25 viewing such information affect your ability to be fair and

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1 impartial in this case?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: At trial, you may hear some language  
4 that you find to be offensive, you should not assess that  
5 evidence based on whether you find it to be offensive or  
6 not, but rather, whether that evidence tends to prove or  
7 disprove the elements of the crime.

8 If you found some of the evidence to be offensive,  
9 would you be able to set aside your feelings about its  
10 offensiveness and objectively consider it and render a fair  
11 and impartial verdict?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Will sitting on this jury from  
14 March 20th through March 31st pose a genuine hardship for  
15 you.

16 THE PROSPECTIVE JUROR: If I may answer this way.  
17 I care for my mother who is now 90. She has the beginnings  
18 of dementia and does sometimes require some attention. And  
19 that may occur in unexpected ways and at unexpected times.  
20 I do tend to go over to her home periodically, make sure she  
21 is taking her medication and there is nothing awry. Service  
22 on this jury, assuming like the time you described, should  
23 not present an insurmountable burden. However, if my mother  
24 calls me when she has once and says she is hemorrhaging, I  
25 am going to go and I am going to take her to the hospital



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1 because it might not occur to her to call 911, she would  
2 call me.

3 THE COURT: Does she lives alone?

4 THE PROSPECTIVE JUROR: She lives alone,  
5 approximately, one mile from my house. She vigorously  
6 defends her independence and I struggle to allow her as much  
7 independence as I can.

8 THE COURT: Okay. Does she have any homecare,  
9 anything like that?

10 THE PROSPECTIVE JUROR: She would not tolerate  
11 anyone in her home and barely tolerates me in her home when  
12 I ask her about her medications.

13 THE COURT: Okay. All right. I want to get back  
14 to the other questions that I asked in the big room.

15 You've served on a jury before, correct?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: Tell me when, where, what, did you  
18 reach a verdict?

19 THE PROSPECTIVE JUROR: The last time I served, I  
20 was the -- it was a state court case, it was a homicide  
21 case. 12 jurors, two alternates, and they brought in a  
22 folding chair to make me the third alternate. It was my  
23 impression after the trial that a young prosecutor, they  
24 wanted me on there because they wanted a young prosecutor,  
25 wanted feedback on his performance in the homicide trial and

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1 he wanted feedback regarding his presentation, the manner of  
2 presentation, speed of presentation, and such. I was  
3 excused immediately before they went to deliberations.

4 THE COURT: Okay. And you said the last time,  
5 there were other times you served on a jury?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Okay. You have a background in the  
8 law?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: What is that background?

11 THE PROSPECTIVE JUROR: Juris Doctor from NYU,  
12 '91.

13 THE COURT: You worked as an attorney?

14 THE PROSPECTIVE JUROR: For five years at Cahill,  
15 Gordon & Reindel.

16 THE COURT: Heard of it. What did you do after  
17 that?

18 THE PROSPECTIVE JUROR: I came to the bureau. I  
19 went to work as a special agent at the FBI.

20 THE COURT: And you're still work as an FBI  
21 special agent?

22 THE PROSPECTIVE JUROR: No, I retired in March of  
23 2018.

24 THE COURT: And did you have a particular  
25 specialty as a special agent in the FBI?

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1           THE PROSPECTIVE JUROR: So I began working, well,  
2 I went to the initial orientation phase. I spent the first  
3 14 and a half years, plus or minus, working crimes, violent  
4 crimes. I was injured during an arrest that went bad.  
5 Herniated discs in my back banged up my knee, so I then  
6 decided to become a supervisor because I couldn't, forgive  
7 me, "run and gun" anymore. And after that, I went to the  
8 national security world, intelligence division and criminal  
9 division. The last few months, I spent six months at  
10 headquarters back in the criminal division and I retired  
11 after that.

12           THE COURT: Okay. I read you this litany of  
13 questions that you put your number up for.

14           Is there anything else in those questions that you  
15 need to tell me? And it seems like a lot of it was because  
16 you were a former agent and lawyer and all of that.

17           THE PROSPECTIVE JUROR: There is one other thing  
18 that I think might be of interest which is I left the FBI as  
19 a whistleblower regarding a litany of wrongdoing. And, at  
20 the end, I was, quite honestly, forced out under threat of  
21 my job and my pension. That said, it's my belief regarding  
22 the agency as a whole: I believe the leadership of the  
23 agency is deeply troubled. But it's the same objection I  
24 had regarding the agency that I say is pretty positive with  
25 about myself, that is, I judge individuals as individuals.

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1 I listen to individual information as just that. I do not  
2 judge based people on a group to which they may belong. But  
3 I thought I should mention that in an effort for full  
4 candor.

5 THE COURT: In light of your -- the manner in  
6 which you departed the FBI, will you hold that against the  
7 Government in this case.

8 THE PROSPECTIVE JUROR: I will not hold it against  
9 the -- in terms of determinations of fact, I cannot and I  
10 will not hold it against any of the individuals who testify.  
11 I have a healthy suspicion of everyone who will testify.

12 THE COURT: So when you hear the agents testifying  
13 in this case, I don't know what they're going to testify to,  
14 you will view that testimony with a healthy suspicion?

15 THE PROSPECTIVE JUROR: On both sides.

16 THE COURT: As you would any other witness?

17 THE PROSPECTIVE JUROR: I'm suspicious of all  
18 testimony both by the Government and by the defense. Each  
19 of them has may have different reasons for shaping the truth  
20 in one way or another.

21 THE COURT: Okay. Other than your experience as a  
22 FBI agent, have you a family member, or close friend have  
23 any involvement in the criminal justice system, meaning,  
24 being charged with a crime, victim of a crime, subject of a  
25 criminal investigation, witness to a crime, witness in a

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1 grand jury investigation, or victim of a crime.

2 THE PROSPECTIVE JUROR: Victim of a crime. My mom  
3 has been assaulted when she was younger and she was a little  
4 bit more mobile she was assaulted twice on the street,  
5 street crime. My sister was assaulted once, again, same  
6 kind of thing surrounded by five guys. I believe my nephew  
7 has done something like he rolled a car during a snowstorm  
8 and the road was closed and he received a summons at a  
9 bedside. I think that's about the limit.

10 THE COURT: Anything about those experiences that  
11 would affect your ability to be fair and impartial in this  
12 case?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Have you, a family member, or close  
15 friend ever been a party to a legal action against, or had a  
16 dispute with, the United States of America any of its  
17 agencies or employees?

18 THE PROSPECTIVE JUROR: Not that I know of, no.

19 THE COURT: Your leaving the FBI the way you  
20 describe was not -- there was no related formal proceedings  
21 or anything like that, was there?

22 THE PROSPECTIVE JUROR: I related the information  
23 that I had to appropriate governmental authorities. That  
24 was the limit of it. There was no suit filed.

25 THE COURT: Okay. And then you ended up retiring.

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1 THE PROSPECTIVE JUROR: I retired and then I  
2 brought that information to them.

3 THE COURT: I see. I see. Okay. You live in  
4 Forest Hills, correct?

5 THE PROSPECTIVE JUROR: I do.

6 THE COURT: How long?

7 THE PROSPECTIVE JUROR: 57 years.

8 THE COURT: Do you own or do you rent.

9 THE PROSPECTIVE JUROR: Own.

10 THE COURT: Do you live with anyone?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: Ever been married or have any kids?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: And you're currently retired, you told  
15 us about that.

16 Are you working again?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Your highest level of education is a  
19 J.D.?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Ever serve in the military?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: How did you get your news, newspapers,  
24 radio, television, internet, social media, podcasts.

25 THE PROSPECTIVE JUROR: Television, internet. I

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1 prefer primary documents, so sometimes I might, like, order  
2 something like an inspector general's report to read the  
3 unredacted versions of certain reports, or I should say the  
4 redacted version, not the unredacted version that would  
5 be...

6 THE COURT: Do you use the internet or social  
7 media?

8 THE PROSPECTIVE JUROR: Social media, no. The  
9 internet, yes.

10 THE COURT: How do you use the internet?

11 THE PROSPECTIVE JUROR: YouTube oftentimes.  
12 Sometimes for research, to respond to a summons to appear  
13 here. I also play an online game, so that may also bring up  
14 the internet.

15 THE COURT: Are you concerned at all about the  
16 reliability of information that you find on the internet or  
17 social media?

18 THE PROSPECTIVE JUROR: I find that most  
19 information you receive nowadays is incomplete and at least  
20 partially inaccurate and that's why I prefer primary sources  
21 so I can come to my own conclusions.

22 THE COURT: Will your concerns about the  
23 reliability of information that you find on internet and  
24 social media affect your ability to be fair and impartial in  
25 this case?

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1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Have you ever been involved in voter  
3 education, voter registration, or any get out the vote  
4 efforts?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: Do you have any hobbies? How do you  
7 spend your leisure time other than online gaming?

8 THE PROSPECTIVE JUROR: I tried to take up golf,  
9 that was a failure.

10 THE COURT: It is for just about everyone.

11 THE PROSPECTIVE JUROR: Sometimes I shoot. Now, I  
12 shoot with a friend up in Pennsylvania. I read a lot, and  
13 watch some TV and I spend some days going out with friends  
14 for lunch on Fridays and kind of do some exploring.

15 THE COURT: Do you have any TV shows or radio  
16 programs that you regularly watch or listen to?

17 THE PROSPECTIVE JUROR: There are -- I subscribe  
18 to certain, like, YouTube channels and I will often peruse  
19 those channels to see if there is something of interest.

20 A lot of times, if they have a certain guest I  
21 might be interested in or I tend to read and try to keep  
22 abreast of a lot of the geopolitical stuff, like, what's  
23 happening in the South China Sea or Ukraine, that kind of  
24 thing.

25 THE COURT: Can you be fair and impartial in this



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1 case?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: Is there anything about this case that  
4 would cause you to favor one side over the other?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: Would you be able to set aside any  
7 sympathies, biases or prejudices, excuse me, sympathies or  
8 biases you may have for any of the parties in this case and  
9 render an impartial verdict based solely on evidence  
10 presented and the law as given to you by Judge Garaufis?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: All right. Any follow up for  
13 Mr. Magri?

14 MR. BUFORD: No, your Honor. Thank you.

15 MR. FRISCH: I have one. Can we approach?

16 THE COURT: Sure.

17 (Sidebar held outside the presence of the jury.)

18 MR. FRISCH: If I remember correctly, earlier  
19 today the Government was concerned about the possibility  
20 that a witness worked in the same law office as the husband  
21 of the FBI agent sitting at the table. The degrees of  
22 separation here are a lot less remote than that. This  
23 gentleman brings a degree of specific knowledge about  
24 federal investigation of alleged crime. Understanding how  
25 the FBI works, there are three or four FBI agents whose

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1 names are on the witness list and there are about seven or  
2 eight FBI agents who have at least whose names that I know  
3 of who have worked on this case. I haven't gotten to his  
4 mother yet who may bring -- who may cause a problem during  
5 the course of the trial. I don't think we should have on  
6 this jury someone with substantial federal investigative  
7 experience judging a case which was investigated by the FBI  
8 given all the circumstances about which he spoke, he's  
9 simply not the right juror for this case.

10 MR. BUFORD: Your Honor, the list of agents that  
11 are going to testify was read publicly. He didn't recognize  
12 any of the names. He hasn't worked in any of the units that  
13 investigate the case. And I think this is essentially an  
14 argument that anyone who is a former agent cannot serve in a  
15 federal criminal trial. If he'd expressed reservations or  
16 ambivalence about whether he could be fair and impartial, I  
17 think that would be worth exploring. But he was categorical  
18 in his statements that he could be fair and impartial and  
19 his relationship to the bureau is somewhat mixed given the  
20 circumstances under which he left.

21 I don't know that there is a detectable bias one  
22 way or the other on that. And as with the mother, your  
23 Honor, I think there may be slightly more acute than usual.  
24 But anyone with an elderly relative can always have a  
25 medical emergency room. I don't know if it's worth excusing

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1 this particular juror given that there is no reason to think  
2 that anything is imminent there?

3 MR. FRISCH: I mean, if he were to say, if he were  
4 to say that as an FBI agent he'd be able to put out of his  
5 mind his 14 and a half years of experience and training if  
6 it's more than 14 and a half years about how much the FBI  
7 conducts its investigations, how they corroborate or don't  
8 corroborate.

9 There's another issue here that one of the  
10 cooperating witnesses, I'm sorry, the cooperating witness  
11 who will testify at this trial anonymously on the  
12 Government's application is currently working for the FBI.

13 One of the circumstances that the Government has  
14 brought to the attention of Judge Garaufis in favor of this  
15 cooperating witness's anonymity at trial is that it would  
16 compromise ongoing investigations of the FBI. I don't know  
17 any of this, and the unusual nature of this case, is going  
18 to play in the mind of this man who appears to have very  
19 definite ideas about things. I don't know whether it cuts  
20 for or against Mr. Mackey. The Government's position at the  
21 sidebar me some reason to think it cuts in their favor one  
22 way or the other. I don't want to find out.

23 THE COURT: What offices were -- the investigation  
24 into this case, what offices was it run out of or did it  
25 involve?

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1 MR. BUFORD: It was the New York Field Office.

2 MR. PAULSEN: It's always the New York Field  
3 Office?

4 MR. GULLOTTA: Public corruption.

5 MR. PAULSEN: It's C4, one of the two public  
6 corruption squads.

7 THE COURT: C4.

8 MR. PAULSEN: C4.

9 THE COURT: Nothing out of D.C.?

10 MR. PAULSEN: I think there may have been maybe a  
11 referral in the beginning but it would have been -- it was  
12 always investigated here because of Mr. Mackey's prior  
13 residence here.

14 THE COURT: All right. I'm going ask him a couple  
15 questions but, I mean, I hear what you're saying Mr. Frisch,  
16 but it would it's almost tantamount to anyone in -- formerly  
17 in a particular law enforcement agency can't sit on a case  
18 that was investigated by that law enforcement agency.

19 MR. FRISCH: Well, this is not cops and robbers  
20 and this is not drugs and guns, this is an unusual case that  
21 the FBI is involved in here. And I'm just struck by the  
22 incongruity of the Government's position now compared to the  
23 Government's position on this McGovern earlier today because  
24 there was the possibility that she worked in the same law  
25 division as the husband of the case agent. I don't think it

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1 flies.

2           The other thing, I'm sorry, just one more point.  
3 This is a lawyer as well. I honestly don't know which way  
4 this cuts I'm just really uncomfortable with it. What I was  
5 going -- I interrupted my own train of thought which is  
6 probably a good thing sometimes. This is somebody who can't  
7 help himself no matter what he says from having a point of  
8 view. He's been a whistleblower. He gets redacted or  
9 unredacted versions of things. He may say, and I don't  
10 doubt him, I take what your Honor said to me earlier today  
11 about people tell the truth. I take that seriously. I  
12 agree with you. I believe he believes he can be fair and  
13 impartial, I don't. I don't think he's lying, it's just too  
14 much baggage, too much in his head, and he's a man with a  
15 lot of ideas that I think makes him just a wrong choice.

16           THE COURT: He'd be number either 32 or 30. If we  
17 let two people off then I'm thinking maybe we let off so he  
18 at best would be an alternate.

19           MR. GULLOTTA: It sounds like circumstances for a  
20 peremptory, not challenge for cause.

21           MR. BUFORD: Your Honor, to be clear with respect  
22 to the earlier juror who worked in the law department.

23           THE COURT: She's on the panel, I'm not concerned.  
24 You can make whatever arguments you want to make I unless I  
25 act on them.

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1 MR. BUFORD: Understood.

2 MR. PAULSEN: In the interest of us moving very  
3 quickly. If we have an objection to a witness about like  
4 who he is and what his job is, should we that that earlier  
5 because we obviously talked to him for 15 minutes.

6 THE COURT: If you have any objection, flag it  
7 early.

8 MR. PAULSEN: This is not about his answers, it's  
9 about who he is.

10 MR. FRISCH: It's about both. It's about both.

11 THE COURT: Let's say if you have any objection  
12 that is a strong objection, important point, raise it  
13 earlier rather than later.

14 MR. PAULSEN: Okay.

15 THE COURT: Okay. I'll ask him a couple  
16 questions.

17 (Sidebar discussion concludes.)

18 (In open court.)

19 THE COURT: Mr. Magri, did you ever work -- you  
20 worked in the New York Field Office.

21 THE PROSPECTIVE JUROR: So for the first 14 and a  
22 half years, most of my work was in the Brooklyn-Queens RA.  
23 After that, then headquarters for a bit in D.C., then when I  
24 came back, back to the B-Q RA and then to Manhattan in  
25 various offices in Manhattan.

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1           THE COURT: When you were in Manhattan, what years  
2 was that?

3           THE PROSPECTIVE JUROR: So in 2010 through 2012, I  
4 was in an office on the west side of Manhattan but not the  
5 main field office.

6           THE COURT: Okay. You ever, in your tenure, work  
7 with folks in the Public Corruption Unit, C4?

8           THE PROSPECTIVE JUROR: Not that I recall, no.

9           THE COURT: Okay. I read a list of names in the  
10 beginning of the case, a number of FBI agents. You don't  
11 know any of those folks?

12           THE PROSPECTIVE JUROR: I don't recognize the name  
13 of any of those folks. I was in the New York office for  
14 almost 22 and a half years, it's possible that, like, one of  
15 these people might possible pop up and I might recognize a  
16 face. But I had no direct dealing with them, and if I  
17 recognize them, it maybe only I passed them in a hallway. I  
18 never worked with them. I didn't recognize any of the names  
19 you listed.

20           THE COURT: Okay. Mr. Magri, you can go with  
21 Chloe. She's going to take you into the other courtroom.  
22 We're going to continue this process. We need, I believe,  
23 five more people, maybe six and then we'll exercise our  
24 peremptories and pick a jury. I can't guarantee you're  
25 going to be on or off, I don't know it's up to them.

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1 THE PROSPECTIVE JUROR: Thank you.

2 THE COURT: Thanks.

3 (Continued on the next page.)

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1 (continued.)

2 THE COURT: Next juror is Isabell Parra. She  
3 answered affirmatively to question 17.

4 (The prospective juror enters.)

5 THE COURT: Good afternoon, Ms. Parra.

6 THE PROSPECTIVE JUROR: Hi there.

7 THE COURT: Ms. Parra, during your time in the  
8 central jury room or the ceremonial courtroom that we  
9 started in on Monday, or at lunch, or leaving the court,  
10 coming to court, did you ever overhear any of your fellow  
11 jurors discussing the case?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Over in the central jury room, did you  
14 see anyone with a laptop computer that had on its screen  
15 information about the case?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: This case has received some degree of  
18 media attention. Before today, have you read, heard, or  
19 seen anything in the media, on the internet, or on social  
20 media about this case or about the defendant, Douglass  
21 Mackey, who is otherwise known as Ricky Vaughn?

22 THE PROSPECTIVE JUROR: I've heard but no -- I  
23 mean, I know that I've heard the name, but I don't know  
24 anything, details or anything.

25 THE COURT: Have you formed any ideas, opinions,

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1 or conclusions about the facts of this case or about the  
2 defendant, Douglass Mackey, based on what you've heard?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: This case involves various  
5 individuals, including the defendant, Douglass Mackey, who  
6 had strong political preferences during the 2016  
7 presidential election campaign, including individuals who  
8 supported President Donald Trump and individuals who  
9 supported Presidential candidate Hillary Clinton.

10 Do you have strong feelings or opinions related to  
11 the 2016 Presidential election campaign or to the two  
12 candidates in that campaign such that it would overcome your  
13 ability to judge this case fairly and impartially?

14 THE PROSPECTIVE JUROR: Most likely.

15 THE COURT: Yes?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: Cases are decided -- we ask jurors to  
18 decide cases based on the evidence presented in court, the  
19 applicable law that's given by the judge. And putting aside  
20 their suspicions, their sympathies, their biases, their  
21 political or personal feelings, you don't think you would be  
22 able to do that?

23 THE PROSPECTIVE JUROR: I mean, I think that I  
24 could be literal about it. And, I mean, I believe in facts  
25 so, I mean, if something is factual, then it's factual.

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1           THE COURT: So if the Government, who has the  
2     burden in this case, would fail to produce evidence that  
3     convinced you beyond a reasonable doubt that Mr. Mackey was  
4     guilty, would you have any hesitation in rendering a verdict  
5     of not guilty?

6           THE PROSPECTIVE JUROR: No.

7           THE COURT: Conversely, if the Government produced  
8     evidence such that you were convinced beyond a reasonable  
9     doubt that Mr. Mackey is guilty, would you have any  
10    hesitation in rendering a guilty verdict?

11          THE PROSPECTIVE JUROR: No. I mean, I want the  
12    truth to be the truth. I don't have any -- anything for  
13    myself in it.

14          THE COURT: So despite the feelings you have about  
15    the 2016 campaign, you could look at the evidence if it's  
16    sufficient beyond a reasonable doubt and it complies with  
17    the law, you can render a guilty verdict, or, if it isn't,  
18    you could render a not guilty --

19          THE PROSPECTIVE JUROR: Yeah, I can be a team  
20    player and be, yeah, open minded.

21          THE COURT: Do you have any experience with what  
22    you perceive to be deliberately false or misleading  
23    information on the internet or social media?

24          THE PROSPECTIVE JUROR: No.

25          THE COURT: At trial you may hear some language

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1 that you may find to be offensive. You should not assess  
2 the evidence you hear based on whether you find it to be  
3 offensive or not, but, rather, whether it tends to prove or  
4 disprove the elements of the crime.

5 If you did find some evidence to be offensive,  
6 would you be able to put aside your feelings about its  
7 offensiveness and objectively hear the evidence and render  
8 an impartial verdict?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: You have close friends or relatives  
11 who are lawyers, or work for lawyers, or work for a judge,  
12 or in a courthouse, yes?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Tell me about that, please.

15 THE PROSPECTIVE JUROR: I just have a girlfriend  
16 who works for the Biden administration in the labor  
17 division. She's a lawyer.

18 THE COURT: For the Department of Labor?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: Is there anything about your  
21 relationship with her that would affect your ability to be  
22 fair and impartial in this case?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: I don't believe this case involves any  
25 labor law, so whatever she may have told you about the law

Jury Selection

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1 is not relevant. And, more importantly, you will get the  
2 law from Judge Garaufis; he will tell you what the law is.

3 You can apply the law that he gives to you?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: Trial is going to start March 20th and  
6 last until March 31st. Is there any reason why this would  
7 cause you a genuine hardship if you were selected to serve  
8 on this jury?

9 THE PROSPECTIVE JUROR: Yes, I have a holiday plan  
10 that starts on the 28th to the 5th with my husband.

11 THE COURT: Where are you going?

12 THE PROSPECTIVE JUROR: Puerto Rico.

13 THE COURT: And you have tickets already and all  
14 of that?

15 THE PROSPECTIVE JUROR: Yeah. Accommodations and  
16 airfare and rental car.

17 THE COURT: Okay. It's too close, right?

18 MR. BUFORD: Right on the edge, Judge.

19 THE COURT: Okay, Ms. Parra, the trial could  
20 possibly end before the 28th. But it's too close. It's  
21 possible that it could end on the 28th or even after, so I'm  
22 going to excuse you from serving on this jury and you can  
23 report to the central jury room and they will give you  
24 further instructions.

25 THE PROSPECTIVE JUROR: Okay. Thank you.

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1 (The prospective juror exits.)

2 (The prospective juror enters.)

3 THE COURT: Banti Nath, Juror Number 71.

4 Mr. Nath, during your jury service, have you  
5 overheard any of the other jurors talking about this case?

6 THE PROSPECTIVE JUROR: About this one?

7 THE COURT: Yes. About the facts of the case.

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: Have you observed anyone in the jury  
10 room -- the central jury room with a laptop computer or  
11 internet access device, a tablet, that had, on its screen,  
12 any information about the case?

13 THE PROSPECTIVE JUROR: Here?

14 THE COURT: Yes.

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: This case has received some degree of  
17 media attention. Before today, have you read, heard, or  
18 seen anything in the media, on the internet, or on social  
19 media about this case or about the defendant, Douglass  
20 Mackey, who is otherwise known as Ricky Vaughn?

21 THE PROSPECTIVE JUROR: Sorry, can I -- I'm sorry.

22 THE COURT: Okay.

23 Before today, have you read, heard, or seen  
24 anything in the media, on the internet, or on social media  
25 about this case, or about this defendant, Douglass Mackey?

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1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Mr. Nath, how long have you been in  
3 the United States?

4 THE PROSPECTIVE JUROR: Here?

5 THE COURT: Yes, in the United States.

6 THE PROSPECTIVE JUROR: Twenty-two years.

7 THE COURT: What do you do for a living?

8 THE PROSPECTIVE JUROR: Gas station.

9 THE COURT: You work at a gas station?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: You indicated in -- I believe you did  
12 -- that you have close friends or relatives who are lawyers  
13 or who work for lawyers, yes?

14 THE PROSPECTIVE JUROR: In the company I work. In  
15 the company I work, there is a lawyer.

16 THE COURT: Oh, okay.

17 Where do you live?

18 THE PROSPECTIVE JUROR: Long Island.

19 THE COURT: In what town?

20 THE PROSPECTIVE JUROR: Hicksville.

21 THE COURT: How long have you lived there?

22 THE PROSPECTIVE JUROR: Nine years, ten years.

23 THE COURT: Do you live with anyone?

24 THE PROSPECTIVE JUROR: My wife.

25 THE COURT: What does your wife do for a living?

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1 THE PROSPECTIVE JUROR: She works in a -- what is  
2 that? Nursing home.

3 THE COURT: Okay. Anyone else live with you?

4 THE PROSPECTIVE JUROR: Two daughters.

5 THE COURT: How old are they?

6 THE PROSPECTIVE JUROR: Eleven years old. Twins.

7 THE COURT: Any objection to excusing Mr. Nath?

8 MR. BUFORD: No, your Honor.

9 MR. FRISCH: No, your Honor.

10 THE COURT: Okay. Mr. Nath I'm going to excuse  
11 you from serving on this jury. You can report to the  
12 central jury room. They will give you further instructions.  
13 You're excused.

14 THE PROSPECTIVE JUROR: I can go?

15 THE COURT: Yes. Go to the room you started off  
16 in this morning and let them know you've been excused.

17 THE PROSPECTIVE JUROR: Okay, thank you.

18 (The prospective juror is excused.)

19 (The prospective juror enters.)

20 THE COURT: Yes, Karin Molfetto, Juror Number 72.

21 Good afternoon, Ms. Molfetto.

22 THE PROSPECTIVE JUROR: Hi.

23 THE COURT: Ms. Molfetto, before -- well, during  
24 the jury service, have you overheard any of your colleagues  
25 talking about the facts of this case?



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1 THE PROSPECTIVE JUROR: I have not. I personally  
2 have not. The only thing I heard is everybody guessing how  
3 many people were already picked. So that's what I heard.

4 THE COURT: All right. You observed anyone with a  
5 laptop computer or tablet with --

6 THE PROSPECTIVE JUROR: I did see actually a  
7 couple of people with what I thought was a laptop, but I --

8 THE COURT: Did you observe what was on the screen  
9 with them?

10 THE PROSPECTIVE JUROR: Somebody looked like they  
11 were just kind of doodling or something, but I didn't really  
12 see what they were doing, no.

13 THE COURT: You don't recall seeing any  
14 information about this case.

15 THE PROSPECTIVE JUROR: No, no.

16 THE COURT: This case has received some degree of  
17 media attention. Before today, have you read, heard, or  
18 seen anything in the media, on the internet, or on social  
19 media about the case or about the defendant, Douglass  
20 Mackey, otherwise known as Ricky Vaughn?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: This case involves various  
23 individuals, including the defendant, Douglass Mackey, who  
24 had strong political preferences during the 2016  
25 Presidential election campaign, including individuals who

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1 supported President Trump and individuals who supported  
2 Presidential candidate Hillary Clinton.

3 Do you have strong feelings or opinions related to  
4 the 2016 Presidential election campaign or to the two  
5 candidates in that campaign such that it would overcome your  
6 duty to judge this case fairly and impartially?

7 THE PROSPECTIVE JUROR: I have to answer honestly  
8 that it might. It might.

9 THE COURT: In what way?

10 THE PROSPECTIVE JUROR: Because I feel strongly  
11 about certain events regarding politics on one side, so...

12 THE COURT: Putting aside politics, generally, or  
13 politics toward one side, and focusing particularly on that  
14 election, the 2016 election, do your feelings relate to that  
15 or things that happen subsequent to that?

16 THE PROSPECTIVE JUROR: It -- probably not to  
17 that. It's probably subsequent to that.

18 THE COURT: Do those feelings and opinions, are  
19 they so strong that they would overcome your duty as a juror  
20 to limit yourself to the facts presented in court and the  
21 law as given to you by the trial judge?

22 THE PROSPECTIVE JUROR: I think I might have --

23 THE COURT: So, in other words --

24 THE PROSPECTIVE JUROR: I think I would have kind  
25 of a hard time, to be honest with you, give in light of what

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1 happened in what happened in the 2020 election and  
2 everything that happened with that. I think I might have  
3 some trouble.

4 THE COURT: Okay. All right Ms. Molfetto -- any  
5 objection to excusing Ms. Molfetto?

6 MR. BUFORD: No, your Honor.

7 MR. FRISCH: No, your Honor.

8 THE COURT: Okay. Ms. Molfetto, I'll excuse you  
9 from serving on this jury. You can go to the central jury  
10 room and they will give you further instructions.

11 (The prospective juror exits.)

12 THE COURT: The next juror is Renu Sharma, Juror  
13 Number 73. Did not respond to any of the questions.

14 (The prospective juror enters.)

15 THE COURT: Good afternoon, Ms. Sharma.

16 Ms. Sharma, during your time as a juror here, have  
17 you overheard any of the other jurors talking about the  
18 case?

19 THE PROSPECTIVE JUROR: No, sir.

20 THE COURT: Have you observed any of the other  
21 jurors with a laptop computer or tablet that had information  
22 about the case on it?

23 THE PROSPECTIVE JUROR: No, sir.

24 THE COURT: This case has received some degree of  
25 media attention. Before today, have you read, heard, or

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1 seen anything in the media, on the internet, or on social  
2 media about this case or about the defendant, Douglass  
3 Mackey?

4 THE PROSPECTIVE JUROR: No, sir.

5 THE COURT: This case involves various  
6 individuals, including the defendant, Douglass Mackey, who  
7 had strong political preferences during the 2016  
8 Presidential election campaign, including individuals who  
9 supported President Donald Trump and individuals who  
10 supported Presidential candidate Hillary Clinton.

11 Do you have strong feelings or opinions related to  
12 the 2016 Presidential election campaign or to the two  
13 candidates in that campaign such that it would overcome your  
14 duty to judge this case fairly and impartially?

15 THE PROSPECTIVE JUROR: No, sir. I'm impartial,  
16 I'm neutral.

17 THE COURT: Do you have any experience with what  
18 your perceived to be deliberately false and misleading  
19 information on the internet or on social media?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: At trial, you may hear some language  
22 that you may find to be offensive. You should not assess  
23 that evidence based on whether you find it to be offensive  
24 or not. But rather, whether that evidence tends to prove or  
25 disprove the elements of the crime.

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1 THE PROSPECTIVE JUROR: It depend, sir.

2 THE COURT: If you found some of the evidence to  
3 be offensive, would you be able to put aside your feelings  
4 about it and objectively consider it and render an impartial  
5 and fair verdict?

6 THE PROSPECTIVE JUROR: I stay impartial.

7 THE COURT: You'll stay impartial, okay.

8 The trial is going to start on the 20th of March,  
9 that's next Monday, and it will go no later than March 31st.

10 Is there any reason this would cause you a genuine  
11 hardship if you would selected to serve on the jury?

12 THE PROSPECTIVE JUROR: Yes, sir. Because I'm by  
13 myself and I have family, two small kids to take care of,  
14 and I have nobody else to take care of them.

15 THE COURT: How old are your kids?

16 THE PROSPECTIVE JUROR: They're 15. And I'm a  
17 single parent and I'm the only one who works and I have  
18 bills to pay and if I'm stuck with this case, I don't know  
19 because my work doesn't pay.

20 THE COURT: Okay.

21 THE PROSPECTIVE JUROR: It doesn't pay for this  
22 process.

23 THE COURT: Are you kids in high school?

24 THE PROSPECTIVE JUROR: Sorry?

25 THE COURT: What year are your kids in school?

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1 THE PROSPECTIVE JUROR: Right now they're not  
2 here, they're in school, but they're not here right now.

3 THE COURT: They're in school. Are they in high  
4 school?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay.

7 Have you, a family member, or close friend ever  
8 been charged with a crime, convicted of a crime, or been the  
9 subject of a criminal investigation, been a witness to a  
10 crime, been a --

11 THE PROSPECTIVE JUROR: No, sir.

12 THE COURT: No? Nothing? Not involved in the  
13 criminal justice system?

14 THE PROSPECTIVE JUROR: No, sir.

15 THE COURT: What do you do for a living? What's  
16 your job?

17 THE PROSPECTIVE JUROR: I'm a receptionist, sir.

18 THE COURT: For who? A receptionist for what?

19 THE PROSPECTIVE JUROR: Security company.

20 THE COURT: What are you work hours, usually?

21 THE PROSPECTIVE JUROR: It's different every day,  
22 sir.

23 THE COURT: It's different every day?

24 THE PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: What's -- how often do you go into

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1 work?

2 THE PROSPECTIVE JUROR: Five days, sir.

3 THE COURT: Five days during the week or any days  
4 during the weekend?

5 THE PROSPECTIVE JUROR: Weekend, too.

6 THE COURT: Okay.

7 Have you, a family member, other close friend ever  
8 been a party to a legal action or had a dispute with the  
9 United States any of its agencies or employees?

10 THE PROSPECTIVE JUROR: No, sir.

11 THE COURT: You live in Brooklyn?

12 THE PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: How long have you lived in Brooklyn?

14 THE PROSPECTIVE JUROR: It's 22 years, sir.

15 THE COURT: Do you own or do you rent your home?

16 THE PROSPECTIVE JUROR: I rent my apartment.

17 THE COURT: And you live with your two children?

18 THE PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: Anyone else?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: You work for a security company as a  
22 receptionist.

23 THE PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: What is the highest level of education  
25 you received or you completed?

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1 THE PROSPECTIVE JUROR: I have my post graduation  
2 in psychology.

3 THE COURT: Post graduate degree is psychology?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: Have you ever served in the military?

6 THE PROSPECTIVE JUROR: No, sir.

7 THE COURT: Where do you get your news from?  
8 Newspaper, radio, television, internet, social media,  
9 podcast, what?

10 THE PROSPECTIVE JUROR: Mostly newspapers.

11 THE COURT: What newspapers do you read?

12 THE PROSPECTIVE JUROR: Daily News.

13 THE COURT: Do you use the internet or social  
14 media?

15 THE PROSPECTIVE JUROR: Yes, sir. Not social  
16 media, just internet.

17 THE COURT: And what do you use the internet for?

18 THE PROSPECTIVE JUROR: For my work. Not that  
19 social media.

20 THE COURT: Have you ever been involved in voter  
21 education, voter register, or any get out the vote efforts?

22 THE PROSPECTIVE JUROR: No, sir.

23 THE COURT: Do you have any hobbies? How do you  
24 spend your free time?

25 THE PROSPECTIVE JUROR: I love to read, sir. I



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1 love to read, that's all. That's my, yes.

2 THE COURT: Do you have any TV shows or radio  
3 programs that you regularly watch or listen to?

4 THE PROSPECTIVE JUROR: Only news, sir.

5 THE COURT: And what news shows do you see on TV?  
6 Do you watch on TV any particular channels?

7 THE PROSPECTIVE JUROR: I watch all of the news.  
8 Fox 5, ABC, PIX11. All of the news channels.

9 THE COURT: Can you be fair and impartial in this  
10 case?

11 THE PROSPECTIVE JUROR: I didn't understand.

12 THE COURT: Can you be fair and impartial in this  
13 case.

14 THE PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: Is there anything in that case that  
16 would cause you to favor one side over the other?

17 THE PROSPECTIVE JUROR: No, sir. Not at all.

18 THE COURT: Will you be able to set aside any  
19 sympathies or biases you may have for any of the parties in  
20 this case and render an impartial verdict based solely on  
21 the evidence presented and the law as given to you by Judge  
22 Garaufis?

23 THE PROSPECTIVE JUROR: No, sir.

24 THE COURT: Let me ask that again.

25 Would you be able to set aside any sympathies or

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1 biases you may have for any of the parties in this case, and  
2 render an impartial verdict based solely on the evidence  
3 presented in court and the law as given to you by Judge  
4 Garaufis?

5 THE PROSPECTIVE JUROR: No, sir.

6 THE COURT: You can't be impartial? You told me  
7 before you can be impartial.

8 THE PROSPECTIVE JUROR: No, sir. I stay neutral  
9 and it depends on the evidence.

10 THE COURT: That's what I'm saying in this  
11 question. I don't think you're hearing the question  
12 correctly.

13 THE PROSPECTIVE JUROR: I'm sorry.

14 THE COURT: You can render an impartial verdict in  
15 this case based solely on the evidence presented in court  
16 and by the laws given to you by Judge Garaufis, yes?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: Any follow up for Ms. Sharma?

19 MR. BUFORD: No, your Honor. Thank you.

20 MR. FRISCH: No, your Honor.

21 THE COURT: Thank you, Ms. Sharma. They're going  
22 to escort you into the next room and we'll get back to you  
23 shortly. Thank you.

24 THE PROSPECTIVE JUROR: Thank you.

25 (The prospective juror exits.)

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1 THE COURT: 33, is that right? Next juror is  
2 number 74, Laura Maier.

3 THE COURTROOM DEPUTY: The next one we have is 75,  
4 Judge.

5 THE COURT: Okay. Kuo Min Tsai. Ms. Maier is not  
6 there?

7 THE COURTROOM DEPUTY: She called yesterday and  
8 said she wouldn't be able to come because of a personal  
9 commitment.

10 THE COURT: All right.

11 (The prospective juror enters.)

12 THE COURT: Good afternoon, Mr. Tsai.

13 Mr. Tsai, when you were with the other jurors in  
14 the room and in the ceremonial courtroom or at lunch or  
15 leaving the courthouse, did you overhear any of them talk  
16 about the case, the facts of the case, or anything like  
17 that?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: Have you seen any of the other jurors  
20 with a laptop computer or tablet with information about the  
21 case on it?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: This case has received some degree of  
24 media attention. Before today, have you ever read, heard,  
25 or sign anything in the media, on the internet, or on social

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1 media about this case or about the defendant, Douglass  
2 Mackey?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: This case involves various  
5 individuals, including the defendant, Douglass Mackey, who  
6 had strong political preferences during the 2016  
7 Presidential election campaign, including individuals who  
8 supported President Donald Trump and individuals who  
9 supported Presidential candidate Hillary Clinton.

10 Do you have strong feelings or opinions related to  
11 the 2016 Presidential election campaign or to the two  
12 candidates in that campaign such that it would overcome your  
13 duty to judge this case fairly and impartially?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: Do you have any experience with what  
16 you perceived to be deliberately false or misleading  
17 information on the internet or on social media?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: At trial, you may hear some language  
20 that you may find to be offensive. You should not assess  
21 the evidence you hear based on whether you find it to be  
22 offensive or not. But rather, whether that evidence tends  
23 to prove or disprove the elements of the crime.

24 If you found some of the evidence offensive, would  
25 you be able to set aside your feelings about its

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1   offensiveness and objectively consider it and render a fair  
2   and impartial verdict?

3           THE PROSPECTIVE JUROR: I will do my best, but  
4   I've never been testing so I cannot guarantee.

5           THE COURT: You will do your best to set aside  
6   your feelings and be objective and fair and impartial?

7           THE PROSPECTIVE JUROR: Yes.

8           THE COURT: Do you believe you can do that? There  
9   are no guarantees in life, but, except death and taxes, and  
10   maybe not even taxes. But you can do your best and be fair  
11   and impartial and objectively consider the evidence?

12          THE PROSPECTIVE JUROR: Yes.

13          THE COURT: The trial in this case is going to be  
14   from March 20th through March 31st, at the latest. Is there  
15   any reason this would cause you a genuine hardship if you  
16   were selected to serve on the jury?

17          THE PROSPECTIVE JUROR: No.

18          THE COURT: Have you, a family member, or close  
19   friend ever been part of the criminal justice system?  
20   Meaning, have you or a family member ever been charged with  
21   a crime, been convicted of a crime, been the subject of a  
22   criminal investigation, been a witness to a crime, been a  
23   witness in a grand jury investigation or questioned in any  
24   matter by law enforcement officers, or been the victim of a  
25   crime?

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1 THE PROSPECTIVE JUROR: No. To the best of my  
2 memory, I don't recall it.

3 (Continued on the next page.)  
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*Jury Selection*

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1 (continuing.)

2 THE COURT: Have you, a family member or close  
3 friend ever been a party to a legal action against or had a  
4 dispute with the United States or any of its agencies or  
5 employees?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Mr. Tsai, you live in Fresh Meadows;  
8 correct?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: How long have you lived in Fresh  
11 Meadows?

12 THE PROSPECTIVE JUROR: Almost 40 years. Start a  
13 family '86.

14 THE COURT: Do you own or rent your home?

15 THE PROSPECTIVE JUROR: I own a house, a townhouse.

16 THE COURT: And do you live with anyone?

17 THE PROSPECTIVE JUROR: Yes. My wife and my  
18 daughter who has already move out after marriage about --

19 THE COURT: So your daughter has moved out already?

20 THE PROSPECTIVE JUROR: Yeah, move out almost seven  
21 or eight years.

22 THE COURT: What does your wife do for a living?

23 THE PROSPECTIVE JUROR: She's the sales lady in a  
24 jewelry store.

25 THE COURT: And what do you do for a living?

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1 THE PROSPECTIVE JUROR: I'm IT guy and I working for  
2 private insurance company for 12 years and then I working for  
3 the City of New York for 20 years.

4 THE COURT: What is the highest level of education  
5 you completed?

6 THE PROSPECTIVE JUROR: I graduate from Queens  
7 College, computer science master's degree.

8 THE COURT: From Queens College?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: Have you ever served in the military?

11 THE PROSPECTIVE JUROR: I'm a -- I come from Taiwan,  
12 and 20 years old, you must join the army. So I served about  
13 two years in the army in Taiwan, but not over here.

14 THE COURT: Okay.

15 Where do you get your news from? Newspapers, radio,  
16 television, internet, social media, podcasts, where?

17 THE PROSPECTIVE JUROR: I must say the family  
18 Chinese -- the Chinese newspaper called *Xinhua* and my wife  
19 like to read every day, so I read it every day. And on top of  
20 it, you know, the internet and -- I subscribe to ABC News, NBC  
21 News, so they were sending me the alert and the -- so I read  
22 it, and sometimes I go to the website to read the news.

23 THE COURT: Those same news; ABC, NBC, and others?

24 THE PROSPECTIVE JUROR: Even Fox.

25 THE COURT: Even Fox, okay.



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1 Do you ever get your news from TV?

2 THE PROSPECTIVE JUROR: Ten years ago, yes, but not  
3 right now, because I -- we don't subscribe to TV anymore. We  
4 just got from the iPhone, from the iPad, so I don't need the  
5 TV program anymore, no.

6 THE COURT: Do you use the internet and social  
7 media?

8 THE PROSPECTIVE JUROR: I have Facebook and  
9 Instagram, but I only read, I don't post it because, you know,  
10 every day you work on the computer environment. I don't want  
11 to spend my time after work still working on the -- on the  
12 computer -- in the IT -- on the computer or laptop. I just  
13 read it. I don't want to pause it. I hardly text message. I  
14 put -- call my wife, call my daughter, call everybody instead  
15 of text them.

16 THE COURT: All right. Are you concerned at all  
17 about the reliability of information that you find on the  
18 internet or social media?

19 THE PROSPECTIVE JUROR: Can you say again, please?

20 THE COURT: Sure.

21 Are you concerned at all about the reliability of  
22 information that you find on the internet or social media?

23 THE PROSPECTIVE JUROR: Yes, because we heard a lot  
24 of news which is the -- can I say it -- is the false message  
25 and I will make my own judgment to decide if it's correct or

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1 not. But sometimes I'm wrong.

2 THE COURT: Okay. You're concern is about the  
3 reliability of information on the internet and social media.  
4 Will that affect your ability to be fair and impartial in this  
5 case and judge this case based on the evidence you see in  
6 court and the instructions on the law that you are given by  
7 the judge?

8 THE PROSPECTIVE JUROR: I don't know how to say it,  
9 but I will do by best to do -- make my own judgment. But  
10 sometimes I do not realize that the information I got from the  
11 other source.

12 THE COURT: Okay.

13 Have you ever been involved in voter education or  
14 voter registration, or any get-out-the-vote efforts?

15 THE PROSPECTIVE JUROR: Oh, yes, I was in -- you  
16 know -- Chinese working over here, they don't know how to  
17 speak Chinese -- English, so I be the interpreter for almost  
18 four years.

19 THE COURT: At the polling place itself?

20 THE PROSPECTIVE JUROR: Yes, in Queens, yes.

21 THE COURT: Okay. Do you have any hobbies? How do  
22 you spend your free time?

23 THE PROSPECTIVE JUROR: My wife say I'm very boring.

24 THE COURT: What did you say?

25 THE PROSPECTIVE JUROR: I don't have too many -- I

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1 I like play the ping-pong, play badminton, and I play the  
2 tennis. But I hardly, didn't know how to play the music or  
3 painting, or -- so I do not have too many hobbies in the  
4 house.

5 THE COURT: Okay. Do you have any TV shows or radio  
6 programs that you regularly watch or listen to?

7 THE PROSPECTIVE JUROR: Not really. Only on the  
8 1010 WINS when I drive in, I heard the news from 1010 WINS.

9 THE COURT: 1010 WINS?

10 THE PROSPECTIVE JUROR: Right now, I hardly watch  
11 the TV anymore.

12 THE COURT: Can you be fair and impartial in this  
13 case?

14 THE PROSPECTIVE JUROR: I would say I would do my  
15 best.

16 THE COURT: Is there anything about this case that  
17 would cause you favor one side over the other?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: Will you be able to put aside any  
20 sympathies or bias you may have for any of the parties in this  
21 case and render an impartial verdict based solely on the  
22 evidence presented in court and on the law as given to you by  
23 Judge Garaufis?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: Any follow-up questions for Mr. Tsai?

*Jury Selection*

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1 MR. BUFORD: No, Your Honor.

2 MR. FRISCH: No, thank you.

3 THE COURT: Okay, Mr. Tsai, they will take you into  
4 the next room and we will get to you shortly.

5 THE PROSPECTIVE JUROR: All right. Thank you.

6 (The prospective juror exits.)

7 THE COURT: Yes, we need four -- actually, we need  
8 two, right? Four would be ideal.

9 (The prospective juror enters.)

10 THE COURT: Good afternoon, Ms. Costanza.

11 THE PROSPECTIVE JUROR: Good afternoon.

12 THE COURT: Marie Costanza, Juror Number 76,  
13 answered affirmatively to questions 12, 17, and 19.

14 Don't worry about that, Ms. Costanza.

15 When you were with your other -- the other jurors in  
16 the jury room, the ceremonial courtroom, at lunch, leaving the  
17 courthouse, did you overhear any of the other jurors talking  
18 about the case?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Did you observe anyone with a laptop  
21 computer or tablet that had information about the case on its  
22 screen?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: This case has received some degree of  
25 media attention.

*Jury Selection*

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1           Before today, have you read, heard or seen anything  
2     in the media, on the internet or on social media about this  
3     case or about the defendant, Douglass Mackey?

4           THE PROSPECTIVE JUROR: No.

5           THE COURT: This case involves various individuals,  
6     including the defendant, Douglass Mackey, who had strong  
7     political preferences during the 2016 Presidential election  
8     campaign, including individuals who supported President Donald  
9     Trump, and individuals who supported Presidential candidate  
10    Hillary Clinton.

11           Do you have strong feelings or opinions related to  
12    the 2016 Presidential election campaign or to the two  
13    candidates in that campaign, such that it would overcome your  
14    duty to judge this case fairly and impartially?

15           THE PROSPECTIVE JUROR: No.

16           THE COURT: Do you have any experience with what you  
17    perceive to be deliberately false or misleading information on  
18    the internet or on social media?

19           THE PROSPECTIVE JUROR: No.

20           THE COURT: At trial, you may hear some language  
21    that you find to be offensive. You should not assess that  
22    evidence based on whether you find it to be offensive or not,  
23    but rather whether that evidence tends to prove or disprove  
24    the elements of the crime.

25           If you found some of the evidence to be offensive,

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1 would you be able to put aside your feelings about its  
2 offensiveness and objectively hear it and impartially render a  
3 verdict?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: You indicated that served on a jury  
6 before?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Can you tell me when that was, what  
9 court, what type of case, and whether or not you rendered a  
10 verdict?

11 THE PROSPECTIVE JUROR: It was on the other -- Jay  
12 Street, I believe. It was a long time ago, maybe around 2009  
13 and it was an accident case and they settled out of court.

14 THE COURT: Okay. That was the only time you served  
15 on a jury?

16 THE PROSPECTIVE JUROR: Yes. That's it, yes.

17 THE COURT: You also indicated that have close  
18 friends or relatives who are lawyers, work for lawyers, worked  
19 for a judge in a courthouse, and you have relationships,  
20 family members with law enforcement officers.

21 THE PROSPECTIVE JUROR: Well, actually FBI agent is  
22 my husband's cousin.

23 THE COURT: Your husband's cousin was an FBI agent?

24 THE PROSPECTIVE JUROR: Yes. He's retired.

25 THE COURT: Was he also a lawyer?

*Jury Selection*

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1 THE PROSPECTIVE JUROR: No.

2 THE COURT: So there are two different things.

3 When did your husband's cousin retire?

4 THE PROSPECTIVE JUROR: Maybe a few years back. I'm  
5 not sure. Maybe about five years, six years.

6 THE COURT: Would your husband -- the relationship  
7 with your husband's cousin affect in any way your ability to  
8 be fair and impartial in this case?

9 THE PROSPECTIVE JUROR: It would not affect my  
10 ability, no.

11 THE COURT: You indicated that you have close  
12 friends or relatives who are lawyers or work for lawyers.

13 THE PROSPECTIVE JUROR: Yes. My sister-in-law  
14 worked for a law firm all her life.

15 THE COURT: Do you know what law firm?

16 THE PROSPECTIVE JUROR: Yes. She worked for a law  
17 firm.

18 THE COURT: Do you know which law firm it was?

19 THE PROSPECTIVE JUROR: Oh, Chase and Weinstein.  
20 Chase down on Court Street.

21 THE COURT: That's not going to affect your ability  
22 to be fair and impartial, would it?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Okay.

25 And you may have learned something about the law

*Jury Selection*

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1 from your husband's cousin or from your girlfriend, but the  
2 law in this case is going to come from Judge Garaufis.

3 THE PROSPECTIVE JUROR: Okay.

4 THE COURT: He will tell you what the law is. You  
5 can apply that law and you must apply it whether you've  
6 learned something different somewhere along the lines.

7 THE PROSPECTIVE JUROR: Right.

8 THE COURT: Can you do that?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: Okay. The trial in this case is going  
11 to start on the 20th and go until the 31st. Is there any  
12 reason why this would cause you a genuine hardship if you were  
13 selected to serve?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: Have you, a family member, or close  
16 friend ever been involved in the criminal justice system,  
17 meaning ever been charged with a crime, convicted, subject of  
18 a criminal investigation, witness to a crime, victim, involved  
19 in a grand jury investigation, anything?

20 THE PROSPECTIVE JUROR: Well, some family members  
21 have been incarcerated.

22 THE COURT: Okay.

23 THE PROSPECTIVE JUROR: They're all deceased.

24 THE COURT: Would that affect your ability to be  
25 fair and impartial in this case?



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1 THE PROSPECTIVE JUROR: No, it wouldn't affect, no.

2 THE COURT: Have you, a family member, or close  
3 friend ever been a party to a legal action against the United  
4 States or had a dispute with the United States or any of its  
5 agencies or employees?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: You live, Ms. Costanza in Brooklyn?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: How long?

10 THE PROSPECTIVE JUROR: All my life.

11 THE COURT: Do you own or do you rent your home?

12 THE PROSPECTIVE JUROR: Own.

13 THE COURT: And you live with your husband?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: What does your husband -- what did he  
16 do, or what does he do?

17 THE PROSPECTIVE JUROR: Court clerk. 360 Adams  
18 Street.

19 THE COURT: He was a court clerk?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: In the clerk's office?

22 THE PROSPECTIVE JUROR: Yes. Clerk's office, yes.

23 THE COURT: You have kids?

24 THE PROSPECTIVE JUROR: I have one child.

25 THE COURT: Grown?

*Jury Selection*

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: What does he or she do for a living?

3 THE PROSPECTIVE JUROR: She's unemployed right now.  
4 She's 35.

5 THE COURT: What is the highest level of education  
6 you received?

7 THE PROSPECTIVE JUROR: High school.

8 THE COURT: What do you do for a living?

9 THE PROSPECTIVE JUROR: I'm home. I take care -- I  
10 take care of my sister-in-law who has COPD now, and I'm  
11 basically a homemaker, caretaker.

12 THE COURT: Have you ever served in the military?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Where do you get your news from;  
15 newspapers, radio, TV, internet, social media, podcast --

16 THE PROSPECTIVE JUROR: I like the radio.

17 THE COURT: What?

18 THE PROSPECTIVE JUROR: I listen to 1010.

19 THE COURT: 1010 WINS?

20 THE PROSPECTIVE JUROR: Yes. That's what I  
21 basically listen to.

22 THE COURT: Do you use the internet or social media?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: What social media platforms do you use?

25 THE PROSPECTIVE JUROR: Just Facebook.

*Jury Selection*

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1 THE COURT: And what about the internet? What  
2 internet sources or platforms do you use?

3 THE PROSPECTIVE JUROR: I don't really -- I just go  
4 on Facebook really. I don't have the time to go on the  
5 internet.

6 THE COURT: Are you concerned at all about the  
7 reliability of information that you find on the internet or on  
8 social media?

9 THE PROSPECTIVE JUROR: It doesn't affect me one  
10 way, you know.

11 THE COURT: All right. Have you ever been involved  
12 in voter education, or voter registration, or any  
13 get-out-the-vote efforts?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: Do you have any hobbies?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: How do you spend your leisure time?  
18 What are your hobbies?

19 THE PROSPECTIVE JUROR: I knit, I crochet, I craft.  
20 I use a lot with my hands. Sew -- a lot of good old knitting  
21 and --

22 THE COURT: Okay.

23 THE PROSPECTIVE JUROR: Yeah, that's what I like to  
24 do.

25 THE COURT: Are there any TV shows or radio programs

*Jury Selection*

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1 that you regularly watch or listen to other than 1010 WINS?

2 THE PROSPECTIVE JUROR: I like the ID channel, I  
3 like that.

4 THE COURT: The ID channel?

5 THE PROSPECTIVE JUROR: Yes, the ID channel with all  
6 the shows.

7 THE COURT: Can you be fair and impartial in this  
8 case?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: Is there anything about this case that  
11 would cause you to favor one side over the other?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Will you be able to set aside any  
14 sympathies or biases you may have for any of the parties in  
15 this case and render an impartial verdict based solely on the  
16 evidence presented in court and the law as given to you by  
17 Judge Garaufis?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Do we have any follow-up questions for  
20 Ms. Costanza?

21 MR. BUFORD: No, Your Honor.

22 MR. FRISCH: No, Your Honor.

23 THE COURT: Thank you, Ms. Costanza. They are going  
24 to take you into the next room and we will be with you  
25 shortly?

*Jury Selection*

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1 THE PROSPECTIVE JUROR: Okay. Thank you.

2 (The prospective juror exits.)

3 (The prospective juror enters.)

4 THE COURT: Good afternoon, Ms. Rivera?

5 THE PROSPECTIVE JUROR: Good afternoon.

6 THE COURT: Ms. Rivera, from Monday through today  
7 when you were in the central jury room or the ceremonial  
8 courtroom, or at lunch, or outside with your fellow jurors,  
9 did you ever hear anyone talk about the facts of this case?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: Did you ever see any of the other jurors  
12 with a laptop computer or a tablet device with information  
13 about this case or reports about this case on the screen?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: This case has received some degree of  
16 media attention.

17 Before today, have you read, heard, or seen anything  
18 in the media, on the internet, or on social media about this  
19 case or about the defendant, Douglass Mackey?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: This case involves various individuals,  
22 including the defendant, Douglass Mackey, who had strong  
23 political preferences during the 2016 Presidential election  
24 campaign, including individuals who supported President Donald  
25 Trump, and individuals who supported Presidential candidate

*Jury Selection*

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1 Hillary Clinton.

2 Do you have strong feelings or opinions related to  
3 the 2016 Presidential election campaign, or to the two  
4 candidates in that campaign, such that it would overcome your  
5 duty to judge this case fairly and impartially?

6 THE PROSPECTIVE JUROR: Honestly speaking, I really  
7 don't get into politics. It's been -- the last time I voted  
8 was with Obama. I -- at this present moment, sorry to say, I  
9 mean, I have a lot going on that I could care less.

10 THE COURT: Okay. That's fine.

11 THE PROSPECTIVE JUROR: Yeah.

12 THE COURT: That's your right as an American  
13 citizen --

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: -- to not care less.

16 THE PROSPECTIVE JUROR: I could care less what's  
17 going on.

18 THE COURT: All right. That's fine.

19 Do you have any experience with what you perceive to  
20 be deliberately false or misleading information on the  
21 internet or on social media?

22 THE PROSPECTIVE JUROR: Repeat that question.

23 THE COURT: I will.

24 Do you have any experience with what you perceived  
25 to be deliberately false or misleading information on the

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1 internet or on social media?

2 THE PROSPECTIVE JUROR: Social media, I mean, you  
3 know, everything is a facade. I would say they only show you  
4 what you want you to see. You don't know what goes on behind  
5 closed doors.

6 THE COURT: Would your experiences with anything you  
7 may have perceived to be false or misleading on social media  
8 affect your ability to be fair and impartial in this case and  
9 judge this case solely on the evidence presented in court and  
10 on the law as given to you by Judge Garaufis?

11 In other words, can you judge this case fairly and  
12 impartially based on what happens in court and the evidence  
13 that's received in court, not something you thought was false  
14 or misleading on the internet or on social media outside of  
15 the Court, just what happens in court?

16 THE PROSPECTIVE JUROR: Only what happens in court?  
17 I mean, they only going to tell you what they want you to  
18 know, right?

19 THE COURT: No. The Government has the burden in  
20 this case to prove it beyond a reasonable doubt. They have to  
21 give you the evidence that satisfies you beyond a reasonable  
22 doubt that Mr. Mackey is guilty. And if they don't, then you  
23 can return a verdict of not guilty because the Government  
24 didn't satisfy its burden of proof.

25 But if the Government gives you evidence that

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1 satisfies you beyond a reasonable doubt that Mr. Mackey is  
2 guilty, based on the law that Judge Garaufis tells you, you're  
3 duty-bound to render a guilty verdict.

4           So the question is: Can you satisfy that obligation  
5 as a juror and look at the evidence presented in court by the  
6 Government, hold them to their burden of proof, to prove  
7 beyond a reasonable doubt, that Mr. Mackey is guilty of this  
8 crime? And if they satisfy that burden of proof, can you  
9 render a guilty verdict? And if they fail to satisfy that  
10 burden of proof, can you render a not guilty verdict?

11           THE PROSPECTIVE JUROR: At this present moment, no,  
12 I can't -- my mind is elsewhere. I have -- like I said, I  
13 have a lot going on.

14           THE COURT: Any objection to excusing Ms. Rivera?

15           MR. BUFORD: No, Your Honor.

16           MR. FRISCH: No, Your Honor.

17           THE COURT: Okay. Ms. Rivera, we will excuse you  
18 from serving on this jury.

19           THE PROSPECTIVE JUROR: Excuse me. I'm in mourning.  
20 I lost my sister-in-law. It makes two years I lost my  
21 grandson in a driving accident. You know, I get a text from  
22 my son that he's going through a lot, so, you know, I am the  
23 mother, I am the head of household and I have -- there's  
24 things that I need to take care of.

25           THE COURT: I'm sorry to hear that, Ms. Rivera, but



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1 we are excusing you from serving on this jury, so you can go  
2 to the central jury room and you can go take care of your  
3 family.

4 THE PROSPECTIVE JUROR: Thank you.

5 (The prospective juror is excused.)

6 THE COURT: Juror Number 78, Nicole Butterfield,  
7 answered affirmatively to questions 15 and 17.

8 (The prospective juror enters.)

9 THE COURT: Good afternoon, Ms. Butterfield.

10 THE PROSPECTIVE JUROR: Good afternoon.

11 THE COURT: Ms. Butterfield, during your service  
12 thus far, in your interactions with your fellow jurors,  
13 whether they were in the various courtrooms, cafeteria,  
14 outside of court, what have you, have you ever heard any of  
15 them discussing this case, the facts of this case?

16 THE PROSPECTIVE JUROR: No, I have not.

17 THE COURT: Have you ever seen any of them with a  
18 laptop computer, or a tablet, or some sort of internet device  
19 with information about the case, articles about the case on  
20 the screen?

21 THE PROSPECTIVE JUROR: No. No, I haven't.

22 THE COURT: Now, this case has received some degree  
23 of media attention. Before today, have you read, heard, or  
24 seen anything in the media, on the internet, or on social  
25 media about this case or about the defendant, Douglass Mackey?

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1 THE PROSPECTIVE JUROR: No, I haven't.

2 THE COURT: This case involves various individuals,  
3 including the defendant, Douglass Mackey, who had strong  
4 political preferences during the 2016 Presidential election  
5 campaign, including individuals who supported President Donald  
6 Trump and individuals who supported Presidential candidate  
7 Hillary Clinton.

8 Do you have strong feelings or opinions related to  
9 the 2016 Presidential election campaign or to the two  
10 candidates in that campaign such that it would overcome your  
11 duty to judge this case fairly and impartially?

12 THE PROSPECTIVE JUROR: I don't think so.

13 THE COURT: Do you have any experience with what you  
14 perceived to be deliberately false or misleading information  
15 on the internet or on social media?

16 THE PROSPECTIVE JUROR: Have I had any experience  
17 with it?

18 THE COURT: Have you seen anything that you thought  
19 to yourself: That's deliberately false and misleading.

20 Whether it's on the internets or social media,  
21 anything that comes to mind.

22 THE PROSPECTIVE JUROR: I've certainly come across  
23 misinformation online, yeah.

24 THE COURT: Okay. Would your experiences with such  
25 information affect your ability to be a fair and impartial

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1 juror in this case knowing that you can only judge this case  
2 based on the evidence that's presented in court and the law as  
3 given to you by Judge Garaufis?

4 THE PROSPECTIVE JUROR: Right. I don't think so.

5 THE COURT: At trial, you may hear some language  
6 that you may find to be offensive. You should not assess that  
7 evidence based on whether or not you find it offensive, but,  
8 rather, based on whether the evidence tends to prove or  
9 disprove the elements of the crime. If you found some of the  
10 evidence offensive, would you be able to set aside your  
11 feelings about its offensiveness and objectively consider it  
12 and render an impartial and fair verdict?

13 THE PROSPECTIVE JUROR: I think so.

14 THE COURT: You indicated on Monday in the  
15 ceremonial courtroom, if I'm correct, you have a background  
16 in, or taken courses in the law, and that you have close  
17 friends or relatives who are lawyers, or work for lawyers, or  
18 work for a judge, or in the courthouse.

19 Can you tell me about both of those things?

20 THE PROSPECTIVE JUROR: Sure.

21 So during my PhD, I took some courses on feminist  
22 law and -- or feminist legal theory and comparative  
23 constitutional law. I have my PhD in Hungary, so it was  
24 comparative across nations and so on, obviously.

25 And then in terms of close friends, one of my

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1 childhood friends is a tax attorney, so...

2 THE COURT: I'm sure this case will not involve  
3 feminist legal theory, comparative constitutional law, or tax  
4 law -- fairly confident about that.

5 Nevertheless, should you have learned -- if you  
6 learned anything about the law that may conflict with what  
7 Judge Garaufis instructs you the law is for this case, as a  
8 juror, you have to put aside what you learned, and the law is  
9 what Judge Garaufis says it is, and you have to apply that.

10 Can you do that?

11 THE PROSPECTIVE JUROR: Yeah, I think so. I mean,  
12 there's a difference between advocating and learning about  
13 different ways of, you know -- advocating for law and changes  
14 and so on, and then what the law is and, you know, carrying it  
15 out.

16 THE COURT: So the trial is going to start on Monday  
17 the 20th and go to March 31st, at the very latest.

18 Is there any reason why serving on this jury for  
19 that period of time would cause you a genuine hardship?

20 THE PROSPECTIVE JUROR: I don't think so.

21 THE COURT: Have you, a family member, or close  
22 friend, ever been involved in the criminal justice system?  
23 And by that I mean been accused of committing a crime, charged  
24 with a crime, convicted, been the subject of a criminal  
25 investigation, witness to a crime, victim of a crime, or

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1 involved in grand jury investigation in any way?

2 THE PROSPECTIVE JUROR: I don't think so.

3 THE COURT: Have you, a family member, or close  
4 friend ever been a party to a legal action against, or had a  
5 dispute with, the United States of America or any of its  
6 agencies or employees?

7 THE PROSPECTIVE JUROR: No.

8 (Continued on the followin  
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*Jury Selection*

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1 (Continued.)

2 THE COURT: You live in Astoria.

3 THE PROSPECTIVE JUROR: That's right.

4 THE COURT: How long have you lived there?

5 THE PROSPECTIVE JUROR: More than three years now.

6 THE COURT: Do you own or do you rent?

7 THE PROSPECTIVE JUROR: Rent.

8 THE COURT: And do you live with anyone?

9 THE PROSPECTIVE JUROR: My wife.

10 THE COURT: What does your wife do for a living?

11 THE PROSPECTIVE JUROR: She's a graduate student  
12 in the New School.

13 THE COURT: Do you have any children?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: What do you do for a living?

16 THE PROSPECTIVE JUROR: I'm an editor for the  
17 O'Reilly Media. It's a technical publisher.

18 THE COURT: And you referenced studying for your  
19 Ph.D. Did you complete that?

20 THE PROSPECTIVE JUROR: Yes, I did.

21 THE COURT: Okay. So that's your highest level  
22 not that there's --

23 THE PROSPECTIVE JUROR: That's right.

24 THE COURT: -- much higher than that.

25 THE PROSPECTIVE JUROR: I have my Ph.D.

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1 THE COURT: Have you ever served in the military?

2 THE PROSPECTIVE JUROR: I have not.

3 THE COURT: Where do you get your news from?

4 Newspapers, radio, TV, internet, social media, podcasts, you  
5 tell me.

6 THE PROSPECTIVE JUROR: All of that. Newspapers  
7 on a pretty daily basis, some podcasts.

8 THE COURT: What newspapers?

9 THE PROSPECTIVE JUROR: The Washington Post, New  
10 York Times, and then I have recently -- there's a new app  
11 that I'm using that's giving me all kinds of different news,  
12 credible -- I think -- news sources.

13 THE COURT: And that's on your phone?

14 THE PROSPECTIVE JUROR: Yeah, that's right.

15 THE COURT: Podcasts. Any ones in particular?

16 THE PROSPECTIVE JUROR: Occasionally,  
17 Pod Save America and, you know, the Brian Lehrer Show and  
18 some I don't know random technical related AI-related,  
19 artificial -- machine-learning-related podcasts, that's what  
20 my work is related to.

21 THE COURT: You use the internet and social media?

22 THE PROSPECTIVE JUROR: I do.

23 THE COURT: What social media platforms do you  
24 use?

25 THE PROSPECTIVE JUROR: Facebook less and less,

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1 Instagram, and, yeah, I guess that's pretty much it.

2 Twitter, I use it less and less. I use Twitter.

3 THE COURT: Okay. Are you concerned at all about  
4 the reliability of information that you find on the internet  
5 and social media?

6 THE PROSPECTIVE JUROR: I am sometimes. I mean,  
7 I'm researcher in my background, so I check my sources and  
8 it is an issue, yeah.

9 THE COURT: Would that concern affect your ability  
10 to be fair and impartial in this case understanding that the  
11 evidence in this case that you have to draw your conclusion  
12 from is presented in court. It's not something you perceive  
13 to be fake or misleading, it's something you saw previously.

14 Can you be fair and impartial notwithstanding the  
15 fact that you have some concerns about the reliability of  
16 what you see on the internet and social media.

17 THE PROSPECTIVE JUROR: I would say I think so,  
18 yeah.

19 THE COURT: Have you ever been involved in voter  
20 education, voter registration or any get out the vote  
21 efforts?

22 THE PROSPECTIVE JUROR: I have been involved in  
23 getting out the vote.

24 THE COURT: In what way.

25 THE PROSPECTIVE JUROR: Through a campaign.



*Jury Selection*

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1 THE COURT: You've worked on campaigns for  
2 individual candidates and things?

3 THE PROSPECTIVE JUROR: Right. Here in New York,  
4 in Astoria, for Alexandra Ocasio-Cortez. I worked for her  
5 campaign.

6 THE COURT: Other than that, anything?

7 THE PROSPECTIVE JUROR: No, that's pretty much it.

8 THE COURT: Do you have any hobbies? How do you  
9 spend your free time?

10 THE PROSPECTIVE JUROR: I walk my dog, I was  
11 running until recently. I go swimming, do yoga, I travel  
12 when I can. I like to travel.

13 THE COURT: Are there any television shows or  
14 radio programs that you are regularly watching or listening  
15 to?

16 THE PROSPECTIVE JUROR: I mean, these days,  
17 because it changes with what's on. What am I watching?  
18 "Abbott Elementary," "The Last of Us." I don't know, just,  
19 yeah, whatever is recent. It changes over time, so those  
20 are a few that come to mind.

21 THE COURT: Can you be fair and impartial in this  
22 case?

23 THE PROSPECTIVE JUROR: I think so.

24 THE COURT: Is there anything about this case that  
25 would cause you to favor one side over the other?

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1           THE PROSPECTIVE JUROR: You could argue with  
2       certain experience, certain political views that I could,  
3       but I also like to believe that I would listen to the  
4       evidence and make a decision based on the evidence itself,  
5       so...

6           THE COURT: Will you be able to set aside any  
7       sympathies or biases you may have for any of the parties in  
8       this case and render an impartial verdict based solely on  
9       the evidence presented in court and the law as given to you  
10      by Judge Garaufis?

11          THE PROSPECTIVE JUROR: I would do my best to,  
12      yes.

13          THE COURT: Any follow-up for Ms. Butterfield?

14          MR. BUFORD: No, Your Honor.

15          MR. FRISCH: No, Judge. Thank you.

16          THE COURT: Ms. Butterfield, Chloe is going to  
17      escort you into courtroom 2F and we will be with you  
18      momentarily.

19          (The prospective juror exits from the courtroom.)

20          THE COURT: That's 36.

21          MR. BUFORD: We got 36, too, your Honor.

22          THE COURT: Bare minimum.

23          MR. PAULSEN: I think you said you wanted to talk  
24      to the people who were cleared earlier.

25          THE COURT: I will talk to them, that's fine. I

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1 don't want to do it individually, though, because that will  
2 take too much time. I will do it collectively and those who  
3 have already heard this will just have to hear it again.

4 My question is: Are you prepared to exercise your  
5 peremptories? You probably need a little time to think it  
6 through, but are you prepared to do it now or do you want to  
7 get more people?

8 MR. FRISCH: My thinking is with at least one  
9 juror having to go, your Honor having to speak to them, we  
10 should just get everyone one. At least 38 of the 40 and  
11 then just do it. That would be a preference.

12 My thinking is that we should just, we should get  
13 through this process and get it done because it's time  
14 consuming and get the peremptories. How much many you're  
15 going to go through whether you're going to go to 38 or 40  
16 we should just get that done.

17 THE COURT: We could. Do we have 36 now and that  
18 would be enough and that would get us 12 and 4 alternates.  
19 But we would have jurors, juror number one and I forget the  
20 other juror I forget her name, miss -- yes, Ms. Murphy,  
21 No. 65, or we if and try to get two more and then we can  
22 excuse them and then we'd have 36 and we can do our  
23 peremptories then.

24 LAW CLERK: It would be 38.

25 THE COURT: It would be 36, we get rid of 1 and

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1 65. Look, neither of them want to be on this jury and that  
2 would mean you would -- if you don't want them on this jury,  
3 you would have to use your peremptories on them and I don't  
4 like forcing people's hand, so you tell me what you want to  
5 do.

6 MR. PAULSEN: Your Honor, my only question was  
7 whether you thought that as a result of reinterviewing the  
8 people who may have heard others talking about it whether  
9 that's going to change our numbers in any way.

10 THE COURT: I don't think it will but I will do  
11 that. If it doesn't, I don't want to have to then come back  
12 here and then question more jurors to replace those two.

13 MR. BUFORD: Your Honor, we have to get two more  
14 jurors to qualify two more to get to 38.

15 MR. FRISCH: I agree with that.

16 THE COURT: All right. Bring the next one in.  
17 Ms. Rebecca Benghiat, Juror No. 79.

18 (Prospective Juror No. 79 enters the courtroom.)

19 THE COURT: Chloe, could you come here, please.

20 (A brief pause in the proceedings was held.)

21 THE COURT: How do you pronounce your name?

22 THE PROSPECTIVE JUROR: Benghiat.

23 THE COURT: I was very close.

24 Ms. Benghiat, during your service as a juror in  
25 whatever room you were in with your other jurors or outside

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1 the courthouse or whatever, did you ever hear any of them  
2 discussing this case the facts of this case.

3 THE PROSPECTIVE JUROR: I did not.

4 THE COURT: You seen any of your colleagues with a  
5 laptop computer or a tablet with information or articles  
6 about the case on the screen?

7 THE PROSPECTIVE JUROR: I have not.

8 THE COURT: I have a number of questions that I  
9 want to ask you, but your responses to some of the questions  
10 makes me want to bring them up front.

11 You indicated that you heard or read something  
12 about this case before jury selection?

13 THE PROSPECTIVE JUROR: Correct.

14 THE COURT: Can you tell me about that, please.

15 THE PROSPECTIVE JUROR: I believe I remembered the  
16 indictment about a year ago.

17 THE COURT: Do you remember where you saw that?

18 THE PROSPECTIVE JUROR: I don't remember where I  
19 saw it. It could have been related to work in some sort of  
20 circulated news announcement.

21 THE COURT: Okay. What is your work?

22 THE PROSPECTIVE JUROR: So I'm an attorney but I  
23 also am the president of a suicide prevention nonprofit.

24 THE COURT: Okay. Other than that time, was there  
25 any other time that you saw anything about this case or

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1 Mr. Mackey, the defendant, on the internet, media, social  
2 media?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: Did you draw any conclusions from  
5 seeing that the indictment had been issued from reading that  
6 article about whether Mr. Mackey is guilty or not guilty of  
7 these charges?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: You also indicated -- I read a list of  
10 names and you indicated that some of them, or one of them,  
11 or whatever were familiar to you.

12 Was it the name Ricky Vaughn?

13 THE PROSPECTIVE JUROR: Yes, it was.

14 THE COURT: From which you --

15 THE PROSPECTIVE JUROR: From the indictment.

16 THE COURT: From the indictment, okay. No one  
17 else?

18 THE PROSPECTIVE JUROR: Correct.

19 THE COURT: This case involves various individuals  
20 including the defendant Douglas Mackey who had strong  
21 political preferences during the 2016 presidential election  
22 campaign including individuals who supported President  
23 Donald Trump and individuals who supported presidential  
24 candidate Hillary Clinton.

25 Do you have strong feelings or opinions related to

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1 the 2016 presidential election campaign or to the two  
2 candidates in that campaign such that it would overcome your  
3 duty to judge this case fairly and impartially?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: Do you have any experience with what  
6 you perceived to be deliberately false or misleading  
7 information on the internet or on social media?

8 THE PROSPECTIVE JUROR: So a portion of the work  
9 that I oversee at our nonprofit is related to cyber bullying  
10 so there's some relationship there. There is a vertical of  
11 work that we do that's associated.

12 THE COURT: Would your experiences through your  
13 work or experiences seeing what you perceive to be false or  
14 misleading information on the internet, affect your ability  
15 to be fair and impartial in this case?

16 In other words, can you judge this case based on  
17 the evidence presented in court and the law as given to you  
18 by Judge Garaufis?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: At trial, you may hear some evidence  
21 or some language that you find to be offensive. You  
22 shouldn't assess the evidence you hear based on whether you  
23 find it to be offensive or not, but rather whether that  
24 evidence tends to prove or disprove the elements of crime.

25 If you find some of the evidence to be offensive,

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1 would you be able to set aside those feelings and  
2 objectively listen to the evidence and fairly and  
3 impartially render a verdict?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: The trial is going to start on Monday  
6 the 20th and go to the 31st of March at the latest. It's  
7 probably going to end sooner than that, but is there any  
8 reason why serving on the jury would cause you a genuine  
9 hardship?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: Have you, a family member, or close  
12 friend ever been involved in the criminal justice system?

13 And by that, I mean charged with a crime,  
14 convicted of a crime, been the subject of a criminal  
15 investigation, witness to a crime, witness in a grand jury  
16 investigation, questioned by law enforcement, or victim of a  
17 crime?

18 THE PROSPECTIVE JUROR: Once questioned by the FBI  
19 after an incident on an international flight but that's it.

20 THE COURT: Okay. Is there anything about that  
21 experience that would affect your ability to be fair and  
22 impartial?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Have you, a family member, or close  
25 friend ever been party to a legal action or dispute against



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1 the United States or any of its agencies or employees?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: You live in Brooklyn?

4 THE PROSPECTIVE JUROR: Correct.

5 THE COURT: How long have you lived in Brooklyn?

6 THE PROSPECTIVE JUROR: I lived in Brooklyn since  
7 2013.

8 THE COURT: Do you own or do you rent your home?

9 THE PROSPECTIVE JUROR: I own.

10 THE COURT: Do you live with anyone?

11 THE PROSPECTIVE JUROR: I live two people.

12 THE COURT: What are their occupations?

13 THE PROSPECTIVE JUROR: My husband is an  
14 artist-designer and I also live with our daughter, teenager.

15 THE COURT: And tell me what you do for a living?

16 THE PROSPECTIVE JUROR: So I'm the president of  
17 the Jed Foundation which is a national youth suicide  
18 prevention organization. We focus on suicide prevention,  
19 mental health, cyber bullying, and school systems.

20 THE COURT: And you're the executive director?

21 THE PROSPECTIVE JUROR: Yeah, it's a -- yes.

22 THE COURT: And you have a J.D.?

23 THE PROSPECTIVE JUROR: Correct.

24 THE COURT: Did you work as a -- does your work  
25 that you do now involve, I'm sure it involves the law, but

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1 you being a lawyer?

2 THE PROSPECTIVE JUROR: No. I maintain my  
3 license, but no.

4 THE COURT: Did you ever practice law at a firm or  
5 anything like that?

6 THE PROSPECTIVE JUROR: No, not after graduation.

7 THE COURT: Okay. Ever serve in the military?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: Where do you get your news from?  
10 Newspapers, radio, TV, internet, social media, podcasts,  
11 other sources?

12 THE PROSPECTIVE JUROR: Not social media,  
13 typically; not podcasts, typically. Generally, radio,  
14 online, and newspaper.

15 THE COURT. What newspapers.

16 THE PROSPECTIVE JUROR: Generally the New York  
17 Times, sometimes the Washington Post.

18 THE COURT: What podcasts?

19 THE PROSPECTIVE JUROR: No podcasts.

20 THE COURT: You said no podcasts, I'm sorry.  
21 What radio?

22 THE PROSPECTIVE JUROR: NPR.

23 THE COURT: On the internet, any particular  
24 internet sources?

25 THE PROSPECTIVE JUROR: CNN. Typically, New York

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1 Times. Sometimes Apple News.

2 THE COURT: And do you use the social media at  
3 all?

4 THE PROSPECTIVE JUROR: I have public personas  
5 through my work but I don't use it personally.

6 THE COURT: Are you concerned about the  
7 reliability of information that you find on the internet and  
8 social media?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: Will that concern affect your ability  
11 to be fair and impartial in this case, again, knowing that  
12 you have to judge this case based on the evidence presented  
13 in court and not on anything else?

14 THE PROSPECTIVE JUROR: No, it wouldn't affect my  
15 ability.

16 THE COURT: Have you ever been involved in voter  
17 education, voter registration, or any get out the vote  
18 efforts?

19 THE PROSPECTIVE JUROR: Voter registration and get  
20 out the vote.

21 THE COURT: Tell me about that, please.

22 THE PROSPECTIVE JUROR: Voter registration, pretty  
23 much every voting cycle in Brooklyn, so I help canvass. And  
24 voter get out the vote, in the last three or four  
25 presidential elections, I've done phone banking.

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1 THE COURT: Do you have any hobbies? How do you  
2 spend your free time?

3 THE PROSPECTIVE JUROR: I work 80-plus hours a  
4 week, I have very little extra free time.

5 THE COURT: Can you be fair and impartial in this  
6 case?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Is there anything about this case that  
9 would cause you to favor one side over the other?

10 THE PROSPECTIVE JUROR: I spend a lot of time  
11 professionally understanding and staying abreast of social  
12 media and impacts on mental health, influences on youth,  
13 attitudes, behaviors, and emerging technologies. So I have,  
14 I would say, a stronger knowledge base than typical.

15 THE COURT: And would that cause you to favor the  
16 Government over Mr. Mackey, or Mr. Mackey over the  
17 Government, or not?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: Are you able to set aside any  
20 sympathies or biases you may have for any of the parties in  
21 this case and render an impartial verdict based solely on  
22 the evidence presented in court and on the law as given to  
23 you by Judge Garaufis?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: I just want to be sure that I followed

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1 up on all of the questions that you raised your number to.

2 Do you have a background or taken courses in the  
3 law?

4 Worked for an attorney or law firm or judge in a  
5 courthouse?

6 Close friends or relatives who are lawyers, work  
7 for lawyers, worked for a judge or in a courthouse?

8 Is there anything along those lines that you  
9 didn't tell me about?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: Okay. Any follow-up questions?

12 MR. FRISCH: Your Honor, I have one question, I  
13 don't think it's controversial.

14 Can I pose it in open court?

15 THE COURT: Sure.

16 MR. FRISCH: If you can ask the prospective juror,  
17 given the scope of knowledge she has about social media and  
18 cyber bullying and things of that nature, if she can put  
19 that knowledge aside if she's on the jury and focus and  
20 decide the evidence based on the everyday that she sees at  
21 the trial.

22 THE COURT: And the law as given to you by Judge  
23 Garaufis?

24 MR. FRISCH: Yes.

25 THE PROSPECTIVE JUROR: Yes.

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1 THE COURT: Okay.

2 MR. FRISCH: Thank you, Judge.

3 THE COURT: Thank you.

4 Ms. Benghiat, I believe Chloe will take you into  
5 the next room. We have hopefully one more person to get  
6 through and then I'll take a little break and then we'll  
7 exercise our peremptory challenges and the jury will be  
8 picked so I'm hoping by 4:30.

9 THE PROSPECTIVE JUROR: Thank you.

10 (The prospective juror exits from the courtroom.)

11 (Prospective Juror No. 80 enters the courtroom.)

12 THE COURT: Good afternoon Alon Hillel-Tuch.

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Juror No. 80. How are you doing?

15 THE PROSPECTIVE JUROR: Good. How about you guys?

16 THE COURT: We're okay. At least I'm okay. I  
17 won't speak for anyone else.

18 Mr. Hillel-Tuch, during your service as a  
19 prospective juror, in any of the rooms into you were in,  
20 lunch breaks, or leaving the courthouse, did you overhear  
21 any of the other jurors discussing the facts of this case?

22 THE PROSPECTIVE JUROR: Not the facts of the case,  
23 but some jurors indicated they might have bias one way or  
24 another. So nothing about what was divulged, just that they  
25 might already have opinions.

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1 THE COURT: Okay. Did you hear what their  
2 opinions were?

3 THE PROSPECTIVE JUROR: No, I wasn't part of the  
4 conversation. I tried to stay out of it.

5 THE COURT: What did you hear? Does it affect  
6 your ability to be fair and impartial in this case?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Have you made any -- come to any  
9 conclusions about anything based on what you've heard,  
10 whether from me or from your other jurors about this case?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: Have you seen any of the other jurors  
13 with laptop computers or computer tablets with information  
14 about the case or articles about the case on them?

15 THE PROSPECTIVE JUROR: No. I only know of two  
16 people who had a tablet and they were in the room there.

17 THE COURT: This case received some degree of  
18 media attention. Before today, have you read, heard, or  
19 seen anything in the media, on the internet, or on social  
20 media about this case or about the defendant Douglas Mackey,  
21 otherwise known as Ricky Vaughn.

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: This case involves various individuals  
24 who, including the defendant, Douglas Mackey, who had strong  
25 preliminary preferences during the 2016 presidential

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1 election campaign including individuals who supported  
2 President Donald Trump and individuals who supported  
3 presidential candidate Hillary Clinton.

4 Do you have strong feelings or opinions related to  
5 the 2016 presidential election campaign or to the two  
6 candidates in that campaign such that it would overcome your  
7 duty to judge this case fairly and impartially?

8 THE PROSPECTIVE JUROR: No. I mean I made a  
9 voting decision but that doesn't affect my opinion on the  
10 case.

11 (Continued on the next page.)  
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1 (Continued.)

2 THE COURT: Do you have any experience with what  
3 you perceived to be deliberately false or misleading  
4 information on the internet or on social media?

5 THE PROSPECTIVE JUROR: In what context?

6 THE COURT: Did you ever come across anything  
7 on the internet or social media that you thought to yourself  
8 was deliberately false or misleading?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: Knowing that this case is to be judged  
11 by the evidence presented in court and not on anything else  
12 that happens outside of the courtroom, would your  
13 experiences with such information that you found that you  
14 thought was false or misleading, deliberately so, would that  
15 affect your ability to be fair and impartial in this case?

16 THE PROSPECTIVE JUROR: No. And with context,  
17 academically my first masters was in conflict resolution,  
18 focusing on information, dissemination, and things of that  
19 nature. And right now I'm completing a second masters in  
20 cyber security, which might be relevant.

21 THE COURT: Okay.

22 You will be asked as a juror to deliberate on a  
23 verdict, and in doing so, assess the evidence presented by  
24 the Government, and should Mr. Mackey put on a case, his  
25 evidence as well. He's not required to put on a case, as I

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1 told you in the beginning. You have to assess that evidence  
2 and that evidence alone and apply the facts as you find them  
3 to be to the law as given to you by Judge Garaufis. I don't  
4 know if you've -- I know you've answered some of these  
5 questions that you do have some experience in law.

6 THE PROSPECTIVE JUROR: I answered yes because I  
7 was paid but, 20 years ago I worked at Kirkland and Ellis  
8 over the summer as a kid at minimum wage, but I was paid.  
9 So that should count for something.

10 THE COURT: I don't know if your education to date  
11 has any legal components to it or anything that would be  
12 covered by this case.

13 THE PROSPECTIVE JUROR: It's an emerging field. I  
14 have exposure to mediation, but not in the context of court.

15 THE COURT: Okay, we'll put that aside for now.

16 At trial, you may hear some language that you may  
17 find to be offensive. You should not assess that evidence  
18 based on whether you find it to be offensive or not. But  
19 rather, based on whether it tends to prove or disprove the  
20 elements of the crime charged.

21 If you found some of the evidence offensive, would  
22 you be able to put aside your feelings about it's  
23 offensiveness and objectively render an impartial verdict?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: You said 16, 17, and 18 you worked for

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1 an attorney or law firm which was Kirkland and Ellis when  
2 you were a kid. Minimum wage, really?

3 THE PROSPECTIVE JUROR: Look they used to try to  
4 say do it for credit, but luckily people stopped them from  
5 going to town.

6 THE COURT: Do you have any close friends or  
7 relatives who are lawyers, or work for lawyers, or work for  
8 a judge in a court house?

9 THE PROSPECTIVE JUROR: I have friends that are  
10 lawyers. The last -- nobody is actively working for the  
11 Government in any capacity.

12 THE COURT: And you have family members or  
13 friends, close friends, who work for law enforcement?

14 THE PROSPECTIVE JUROR: My cousin married an  
15 Albany officer at the University of Albany.

16 THE COURT: He's a campus officer?

17 THE PROSPECTIVE JUROR: Yes, but it's police  
18 there.

19 THE COURT: Yes, no. I'm not diminishing it.

20 THE PROSPECTIVE JUROR: I don't see them often,  
21 but they live up in Albany so we try to see them once in a  
22 while.

23 THE COURT: And 19. Do you, a family member, or  
24 close friend have any relationships, close relationships,  
25 with a federal or local law enforcement officer? That's

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1 your same thing?

2 THE PROSPECTIVE JUROR: Yeah. I might have  
3 misunderstood the question.

4 THE COURT: Okay. So about that; two things.  
5 You're going to get the law from Judge Garaufis. He's going  
6 to tell you what the law is for this case and you have to  
7 apply that law to the facts as you find, whether you agree  
8 with it or not, or whether you learned anything from the  
9 folks at Kirkland and Ellis, or your relatives about the  
10 law. You can do that?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Anything in these experiences that are  
13 going to affect your ability to be fair and impartial in  
14 this case?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: I don't know enough about your  
17 educational background to understand whether there's  
18 anything in this that may conflict with what this case is  
19 about --

20 THE PROSPECTIVE JUROR: No. I mean, the conflict  
21 resolution side, I was a fellow at the institute, but I  
22 specialized in mass killings and genocide's. I don't  
23 believe that pertains to this case. And the work I do in  
24 cyber security, where I'm also a course assistant  
25 instructor, it's predominantly like how to hack into various

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1 hardware devices, you know, stuff like that.

2 THE COURT: Okay. So the trial is going to be  
3 from March 20th to the 31st. Is there any reason why this  
4 would cause you a genuine hardship if you were selected to  
5 serve on the jury?

6 THE PROSPECTIVE JUROR: No, it's actually ideal  
7 timing.

8 THE COURT: Have you, a family member, or close  
9 friend, ever been involved in the criminal justice system?  
10 That means; charged with a crime, convicted of a crime, been  
11 the subject of a criminal investigation, been a witness to a  
12 crime, grand jury investigation, or victim of a crime?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Ever been a party to a legal action  
15 against or dispute with the United States of America or any  
16 of its agencies or employees?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: You live in Brooklyn?

19 THE PROSPECTIVE JUROR: Yeah.

20 THE COURT: How long have you lived in Brooklyn?

21 THE PROSPECTIVE JUROR: My wife and I moved to  
22 Brooklyn in 2010. And before that I was in Midtown East and  
23 before that, like, Upstate.

24 THE COURT: Do you own or do you rent your home?

25 THE PROSPECTIVE JUROR: We own.

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1 THE COURT: And other than your wife, do you live  
2 with anyone?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: What does your wife do for a living?

5 THE PROSPECTIVE JUROR: She's a neuropsychologist  
6 at NYU.

7 THE COURT: Do you have kids?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: And are you full-time student or are  
10 you working also?

11 THE PROSPECTIVE JUROR: I'm a part time student, I  
12 work both at NYU and I work on the side also in the  
13 investment space.

14 THE COURT: What do you do at NYU?

15 THE PROSPECTIVE JUROR: Teach on cyber security.

16 THE COURT: And your highest level of education is  
17 currently is masters?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: And you're on your second masters?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Served in the military?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: Where do you get your news from?  
24 Newspapers, radio, TV, internet, social media, what?

25 THE PROSPECTIVE JUROR: Predominantly newspaper,

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1 and news abroad. I was originally born in the Netherlands,  
2 so I also read the Dutch newspapers.

3 THE COURT: What papers do you read here?

4 THE PROSPECTIVE JUROR: The Economists, New York  
5 Times, also *The Wall Street Journal*, Financial Times. New  
6 Yorker. And then I can tell you the Dutch papers, but I  
7 don't know if that matters or not.

8 THE COURT: This case wasn't carried on the Dutch  
9 papers, was it?

10 THE PROSPECTIVE JUROR: I wouldn't know. If it  
11 did, I would have told you.

12 THE COURT: Do you use the internet or social  
13 media, and if so, what platforms how do you use them and how  
14 frequently?

15 THE PROSPECTIVE JUROR: I do use the internet. I  
16 do have accounts at various social media platforms, I do not  
17 use them. My wife included, we don't even use our social  
18 media accounts. She doesn't have them anymore. I have an  
19 account with Meta, so I have Facebook, I have a LinkedIn  
20 account with Microsoft, and I do have a Twitter account, but  
21 I do not use it.

22 THE COURT: Are you concerned at all about the  
23 reliability of the information that you find on the internet  
24 and social media?

25 THE PROSPECTIVE JUROR: I, no. I don't read it as

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1 truth without source, so...

2 THE COURT: Have you ever been involved in voter  
3 education, voter registration, or any get out the vote  
4 efforts?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: Do you have any hobbies? How do you  
7 spend your free time?

8 THE PROSPECTIVE JUROR: Teaching is a hobby  
9 because they don't pay you enough otherwise. Besides that;  
10 piano, we swim, we walk, do things of that nature. Vacation  
11 when we can. Various musical instruments. Chess, math,  
12 stuff like that. Reading, you know.

13 THE COURT: What television shows or radio  
14 programs do you regularly watch or listen to?

15 THE PROSPECTIVE JUROR: We do not do non-scripted  
16 television because my brain goes to mush. We do not  
17 subscribe to cable television. We have a screen in the  
18 house, but we only have access to streaming. Predominantly  
19 during the week, light comedy because everybody is busy.  
20 Otherwise, we don't watch legal proceedings, legal drama,  
21 anything of that nature. It's purely light comedy, I would  
22 say.

23 THE COURT: And radio? Nothing in particular?

24 THE PROSPECTIVE JUROR: No. Too many commercials.  
25 It's not for me.



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1 THE COURT: Can you be fair and impartial in this  
2 case?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Anything about this case that would  
5 cause you to favor one side over the other?

6 THE PROSPECTIVE JUROR: Not at this point, no.

7 THE COURT: Will you be able to set aside any  
8 sympathies or biases you may have for any of the parties in  
9 this case and render an impartial verdict based solely on  
10 the evidence presented and the law as given to you by Judge  
11 Garaufis?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Is there any follow up for Mr.  
14 Hillel-tuch?

15 MR. BUFORD: No thank you, your Honor.

16 MR. FRISCH: No thank you, Judge.

17 THE COURT: Okay. Mr. Hillel-tuch, Chloe is going  
18 to escort you into the ceremonial courtroom where the other  
19 panelists are. We've now got, have enough from which the  
20 jury can be picked and we're going to come in and exercise  
21 our preemptories in ten minutes.

22 Can you -- is that enough time for you to figure  
23 it out or do you need more? Why don't you take Mr.  
24 Hillel-tuch inside?

25 The problem is that Mr. Gilreath, he's got his

Jury Selection

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1 award ceremony at 6:30 and he needs to leave by 4:30. He  
2 said 4:00, he pushed it to 4:30 and he will be really pissed  
3 if he doesn't get to make it. I think we can probably push  
4 him an extra 15 minutes, but -- Do you want to come in as  
5 I'm questioning them about whether they have heard anything?

6 MR. FRISCH: I think the short answer is I don't  
7 need ten minutes, I'm ready now. But my question is: Are  
8 you going to deal with the jurors Ms. Murphy and Ms. Marcus?

9 THE COURT: I was going to dismiss them, yes.

10 MR. FRISCH: I see.

11 THE COURT: Dismiss them first and then talk to  
12 the other jurors about whether they overheard anybody or saw  
13 any tablets or computers or anything.

14 MR. FRISCH: Do you want us to wait here or do you  
15 want us to come with you?

16 THE COURT: It's up to you.

17 MR. FRISCH: Well, are we going to strike here or  
18 are we going to strike there?

19 THE COURT: I think we strike there because  
20 they're all set up already.

21 MR. FRISCH: Got it. So we can walk in with you.

22 THE COURT: Okay.

23 MR. BUFORD: We need a few minutes to chat  
24 amongst ourselves unfortunately, is that possible?

25 THE COURT: That's possible, but -- yes, it's

Jury Selection

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1 possible. Don't take too long.

2 MR. BUFORD: Maybe we'll stay here for a few  
3 minutes while you guys go over there.

4 THE COURT: Do you need to listen to me talk to  
5 the other jurors about whether or not they heard anything  
6 before today?

7 MR. BUFORD: I don't think so. Unless somebody  
8 says yes, I think we're okay.

9 (The following took place in the ceremonial  
10 courtroom.)

11 THE COURT: Ladies and gentlemen, in a few  
12 minutes, and Mr. Gilreath, I know you're anxious to get out.  
13 A few more minutes. In a few minutes, the Government is  
14 going to come in and we're going to start our process of  
15 exercising preemptory challenges. But something came up  
16 late yesterday and early today that some of you weren't  
17 asked about. Those of you who were picked today were asked  
18 about this, but the others not.

19 So we were informed that at some point, there were  
20 jurors speaking perhaps about the case in the central jury  
21 room, here in the ceremonial courtroom, outside after the  
22 proceedings in the cafeteria, we're not sure where it was.  
23 But did any of you who were seated here hear any of your  
24 jurors, the other jurors, talking about this case in any  
25 way?

Jury Selection

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1           Okay.

2           THE PROSPECTIVE JUROR: You asked me this morning.

3           THE COURT: Okay, good. If I asked you about it  
4 already, you don't need to put your hands up. Okay.

5           Did anyone see in the central jury room at any  
6 point in time, someone, a juror or two, with a laptop  
7 computer or a tablet that had information about the case on  
8 the screen? Anyone? Okay, great.

9           That's it. So now the Government is going to come  
10 in. We'll exercise the preemptory challenges and we will  
11 get you going. I'll give you some final instructions, those  
12 that have been selected, and that will be the day. So give  
13 me another minute, I'm going to go bug them to get in.

14           (A recess was taken at this time.)

15           (Taken outside of the presence of the perspective  
16 jurors.)

17           THE COURT: So first round start with the  
18 defendant.

19           MR. FRISCH: Just so I understand how your Honor  
20 does it. So those other jurors are going to be dismissed?

21           THE COURT: They have been dismissed.

22           MR. FRISCH: And essentially we're using our  
23 strikes for the first 28 that are seated?

24           THE COURT: Correct. You have ten and he has six  
25 in the first 28.

Jury Selection

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1 MR. FRISCH: If I wanted to strike,  
2 hypothetically, number 28, I can do that first and then go  
3 back and strike, hypothetically, number one?

4 THE COURT: Sure.

5 MR. FRISCH: I think I had one more question. So  
6 just out of, to show you that I'm a nice guy, I'm going to  
7 strike Mr. Gilreath first to get him out of here.

8 THE COURT: Let me make sure I've the numbers.

9 MR. FRISCH: He's 46.

10 THE COURT: I'm not going to --

11 MR. FRISCH: Do I go first or does the Government?

12 THE COURT: You go first. And you have two this  
13 round, so you have another one.

14 MR. FRISCH: Okay, I get it. 45.

15 MR. BUFORD: I'll take 51 and 32. For my next  
16 round, I'll take 32.

17 THE COURT: You have -- after these two I'm going  
18 to dismiss them. So Mr. Gilreath can go home. I want to  
19 dismiss them in groups.

20 MR. FRISCH: So it's now my turn to go; is that  
21 right?

22 THE COURT: Yes.

23 MR. FRISCH: And I do, I do two now?

24 THE COURT: Yes.

25 MR. FRISCH: Okay. Number 47 and number 37.

Jury Selection

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1 THE COURT: I'm going to start calling out some  
2 names. If you hear your name you are dismissed with my  
3 thanks, the thanks of the Court and the parties, and you can  
4 go to the central jury room and let them know.

5 So we'll start with Mr. Gilreath, you're  
6 dismissed.

7 Ms. Pryor, you're dismissed.

8 Ms. McGovern-Walsh, you're dismissed.

9 Mr. Mooney, you're dismissed.

10 Mr. Krishnaswamy, you're dismissed.

11 And Ms. Lin, you're dismissed.

12 (Continued on the next page.)  
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25

*Sidebar*

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1 (Continuing.)

2 MR. FRISCH: Am I right that the 28th juror was  
3 Number 54, Mr. Gordon?

4 THE COURT: Number 61, Mr. Gondek. I will count  
5 them up again.

6 Yes.

7 MR. FRISCH: Okay. So now I have two. Number 28  
8 and Number 54.

9 THE COURT: You said 54?

10 MR. FRISCH: Twenty-eight and 54. Let me just see  
11 the names. Fifty-four --

12 THE COURT: Klepadlo is 28.

13 MR. FRISCH: Klepadlo 28; and 54, Gordon.

14 THE COURT: Correct.

15 You have one more.

16 MR. PAULSEN: Number 15.

17 THE COURT: Fifteen.

18 MR. FRISCH: So did he just strike two people in a  
19 row?

20 THE COURT: Yes, because he did his strike in round  
21 three, which he went second, and he goes first in round four.

22 MR. FRISCH: So the two are Number 8 and Number 15;  
23 is that it?

24 THE COURT: Correct. Now you have two more in this  
25 round.

*Sidebar*

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1 MR. FRISCH: Can I have a moment just to, sort of,  
2 gather my thoughts?

3 THE COURT: Sure.

4 (In open court; prospective jurors present.)

5 THE COURT: So, Dr. Block, you are excused.

6 Ms. Klepadlo, you're excused.

7 MR. FRISCH: Can I interrupt you?

8 (Sidebar.)

9 MR. FRISCH: One of the things I'm thinking of  
10 doing, before you excuse these jurors, can you wait and call  
11 these two back, please?

12 (In open court; prospective jurors present.)

13 THE COURT: Ms. Klepadlo, could you come back,  
14 please?

15 (The prospective juror enters.)

16 MR. FRISCH: And Mr. Block.

17 THE COURT: Can you go get Dr. Block and have him  
18 come back, please.

19 Can you please take a seat?

20 THE COURT: They're trying to get Dr. Block.

21 MR. FRISCH: Thank you.

22 THE COURT: Thank you, Dr. Block.

23 (The prospective juror enters.)

24 THE COURT: Thank you, Dr. Block.

25 (Sidebar.)



*Sidebar*

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1 MR. FRISCH: So I want to raise a challenge to the  
2 Government's strikes because the Government has now struck in  
3 a row three white males, Mr. Williams, Mr. McDermott, and  
4 Mr. Block, and so I challenge those challenges under reverse  
5 Batson claim.

6 MR. PAULSEN: Your Honor, how would you like to  
7 handle it? Would you like to do the argument here?

8 THE COURT: Yes.

9 MR. PAULSEN: Let me just get these in order. The  
10 first one --

11 THE COURT: What number? His Batson challenges are  
12 white men.

13 MR. PAULSEN: Yes, I understand. I mean, I think --

14 THE COURT: But if it's relevant, if you're striking  
15 Ms. --

16 MR. PAULSEN: I'm sorry, you're right. I'm sorry.  
17 That's why I'm trying to get this in order.

18 Our first strike was a white woman, obviously, so  
19 that's -- not everybody we struck was a white male. For each  
20 of the individuals we struck, we have neutral reasons that  
21 relate to the specific answers they gave. The first one was  
22 an individual, James Mooney, who was the first --

23 THE COURT: Number 32.

24 MR. PAULSEN: Yeah. This is an individual we felt  
25 he gave very vague answers about what sort of news programs he

*Sidebar*

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1 watched. We did not feel like we had a clear sense of what  
2 his inputs were in terms of how he followed the news. He said  
3 he lived alone. We didn't have a feel for the person. He  
4 said he didn't use social media. He said he attended the  
5 funerals of police officers. He seemed like he had strong  
6 political opinions, but we didn't get a feel from where those  
7 were coming from, and we struck him because of, frankly,  
8 the -- we didn't feel like we got a clear vision of him.

9 THE COURT: And the others?

10 MR. PAULSEN: The next one was Number 8, Mr. Block.  
11 He was a teacher. He's a chiropractor. He was the one who  
12 talked at length extensively. Every question Your Honor asked  
13 him resulted in almost a long speech about how he could see on  
14 both sides. We, frankly, were confused by his answers and  
15 sometimes felt that he was over explaining his answers. We,  
16 frankly, just didn't get a good feel about how -- where he  
17 stood on things, and we felt that we were uncomfortable  
18 thinking that we didn't get a clear sense of if he actually  
19 did have opinions on the subjects in this case, whether we  
20 were getting to the core of it.

21 The last one we chose was Number 15. This was  
22 Charles McDermott. This was -- I think our answer, again, was  
23 that he said he had no news whatsoever. He -- this was an  
24 individual who said he has many small kids, he works at home.  
25 He said he pays attention to sports but does not pay attention

*Sidebar*

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1 to news at all. He works in the financial world doing  
2 accounting for hedge funds. It, frankly, didn't seem  
3 plausible that he didn't have any notion of what's going on in  
4 the world. His answers suggested that he didn't have any  
5 clear opinions on anything. Again, we were uncomfortable  
6 because we didn't feel like he was being transparent about  
7 what his inputs were in terms of what he watched.

8 MR. FRISCH: May I be heard?

9 THE COURT: Sure.

10 MR. FRISCH: So I didn't -- in my challenge, I  
11 didn't raise Number 1, who was a white woman, because I  
12 understand what they said at the sidebar about her attenuated  
13 connection to the husband of the special agent.

14 However, with regard to the next three, starting in  
15 reverse order, Mr. McDermott struck me as clear and honest and  
16 transparent as he could. There's nothing about him that, in  
17 my view, is even arguably vague or confusing. I can't  
18 remember the word that Mr. Paulsen used. He's a guy with kids  
19 who doesn't pay attention to a lot of things that are the  
20 subject of this case, which, to me, made him a good juror for  
21 both sides.

22 I didn't get any sense of confusion or ambiguity  
23 from Mr. Mooney or Dr. Block. And if we were talking about  
24 just one of them, you know, it's not a pattern, it's not a  
25 series, now we have three white males in a row, none of whom

*Sidebar*

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1 frankly, seem objectionable and all of whom seem, to me, to be  
2 giving the Court clear, honest, and direct answers, and so I  
3 stand by my challenge.

4 THE COURT: Last word?

5 MR. PAULSEN: No, Your Honor. We're comfortable  
6 with much of the veneer. Frankly, we felt like we got clear  
7 insight into many of these people.

8 And for certain other people, we found their answers  
9 about their lack of interest in the news, more or less,  
10 credible. And so, in this situation, when there were certain  
11 individuals who seemed, we believed, likely did have inputs  
12 and just weren't disclosing them, we struck those individuals.

13 The first individual, of course, was not white man.  
14 She was a woman whose husband listens to the show that has  
15 been saying negative things about this case. She turned it  
16 off quickly, but we were concerned that in a situation if  
17 one's spouse was watching the show, it would cause some  
18 tension at home, and that was why we struck her.

19 THE COURT: The Government has articulated non --  
20 reasons why it leveled its strikes -- challenges against these  
21 three individuals. They seem, to me, to be legitimate  
22 reasons. You can question whether they should have these  
23 concerns, but they don't seem to be farfetched.

24 Clearly, it's not race-based, and it's just a  
25 coincidence that they happen to be all white. I could see

*Sidebar*

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1    them giving these reasons for any person regardless of their  
2    color, so I'm going to deny the Batson challenge.

3               MR. FRISCH:   So now we're up to -- I have how many  
4    in a row next?

5               THE COURT:   You have two -- three.

6               MR. FRISCH:   So I now make three challenges.

7               THE COURT:   Yes.

8               MR. FRISCH:   If I can speak to my client and tell  
9    him where we are.

10              THE COURT:   I'm not going to dismiss anybody else  
11    just in case this comes up again, all right?

12              MR. FRISCH:   Say that again.

13              THE COURT:   I'm not going to dismiss anyone else yet  
14    in case this comes up. I don't want Chloe to have to run down  
15    the hall and get someone.

16              MR. FRISCH:   I understand.

17              (Pause.)

18              MR. PAULSEN:   Your Honor, my colleagues have asked  
19    if you could call out the number when you strike somebody,  
20    too.

21              THE COURT:   Call out the number?

22              MR. PAULSEN:   Yes. When you say the name and the  
23    number.

24              THE COURT:   Oh, I see.

25              MR. PAULSEN:   We're trying to keep track.

*Sidebar*

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1 THE COURT: But -- they're trying to keep track --

2 MR. PAULSEN: Yes. They heard the names.

3 THE COURT: I don't want to do that because -- if we  
4 get another challenge, somebody thinks they're gone --

5 MR. PAULSEN: Understood.

6 THE COURT: All right. So you've got three.

7 MR. FRISCH: Number 34, Number 39, and Number 42.

8 MR. PAULSEN: We are going to strike 13 and 26.

9 MR. FRISCH: I will renew my challenge to Number 26.  
10 Again, a white male. If I remember correctly, whose  
11 answers were clear and direct and seemed to have no problems.

12 MR. PAULSEN: Your Honor, I had in my notes that  
13 this person avoids news and -- this individual avoided news,  
14 was very jaded, and was very concerned about the reliability  
15 on social media. He said he would spend most of his time  
16 looking at sports, but, again, we were concerned that there  
17 was something that had him turn away from news and is quite  
18 jaded. We didn't get a clear read on what that was, and so  
19 the uncertainty led us to use him as our last strike.  
20 Frankly, most people, at this point, we would be fine with.

21 MR. FRISCH: Before you rule, can I have a second to  
22 look at my notes?

23 THE COURT: Yes.

24 (Pause.)

25 MR. PAULSEN: For the record, Your Honor --

*Sidebar*

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1 THE COURT: Wait.

2 MR. FRISCH: Again, as with the other three white  
3 males, these are based on claims of uncertainty and comfort.  
4 There's no specific -- in my view, the explanations for all  
5 four were just unspecific, claims of uncertainty that simply  
6 don't rebut the *prima facie* case of a Batson challenge against  
7 these four white males.

8 THE COURT: I disagree. I think they are specific.  
9 I don't necessarily agree with them -- not reasons why I would  
10 use to strike those jurors -- but they're not a -- they are  
11 specific, and I don't find them to be something that the  
12 Government is using to hide behind to strike white males from  
13 this jury. There are still a number of white males on this  
14 jury. Guidetti.

15 MR. PAULSEN: Your Honor, for the record, there are  
16 several white men here we were absolutely fine with that we  
17 felt we had a clear read on. We didn't move to strike any of  
18 these individuals for cause. I think we have been clear that  
19 one of our biggest concerns is that coverage of this case has  
20 been in the news, and our concern is that some of that  
21 coverage, which has almost entirely been negative, we are  
22 concerned that if individuals don't realize that they have  
23 been exposed to it, or weren't quite clear about what their  
24 sources were, that that is a concern for us.

25 Obviously, in between, we struck a Latino woman who

*Sidebar*

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1 had concerns with law enforcement, and we struck for those  
2 reasons.

3 THE COURT: I'm going to overrule the challenge.

4 MR. FRISCH: So I have one more --

5 THE COURT: On the main panel.

6 MR. FRISCH: -- on the main panel.

7 If I can just talk to Mr. Mackey, first.

8 THE COURT: Sure.

9 (Pause.)

10 MR. FRISCH: I'm ready. Number 48, Leder,  
11 L-E-D-E-R.

12 THE COURT: Okay. So that means our main panel is  
13 number 3 -- go along on your list, please. Number 3, 5, 9,  
14 14, 22, 23, 24, 30, 36, 38, 59, and 61.

15 MR. PAULSEN: That's right, Your Honor.

16 MR. FRISCH: That's what I have.

17 THE COURT: Okay. Do you want -- okay. Let's just  
18 finish the alternates.

19 So now the alternate challenges will be from Jurors  
20 62 through 80, and we'll start with the defendant.

21 You get two each -- two strikes.

22 MR. FRISCH: It can be anywhere within the eight?

23 THE COURT: Yes.

24 MR. FRISCH: Got it.

25 MR. PAULSEN: Excuse me one second, Your Honor.



*Sidebar*

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1 (Pause.)

2 MR. FRISCH: So there's -- I get four strikes --

3 THE COURT: No, you get two strikes on the eight --

4 MR. FRISCH: I get a total of two on the eight?

5 THE COURT: Yes, because there are four alternates,  
6 and you each get two strikes on four alternates, so that's why  
7 we have eight.

8 MR. FRISCH: Okay. Let me just have one second.

9 (Pause.)

10 THE COURT: You're up.

11 MR. FRISCH: Number 69, Mr. Magri, M-A-G-R-I.

12 THE COURT: I figured that.

13 MR. PAULSEN: Number 72, Ms. Sharma.

14 THE COURT: Seventy-two?

15 MR. FRISCH: Seventy-three.

16 THE COURT: Seventy-three.

17 MR. PAULSEN: Sorry.

18 MR. FRISCH: And then I will do --

19 THE COURT: No. They --

20 MR. FRISCH: They go next?

21 THE COURT: Actually, yes, they go next.

22 MR. FRISCH: Okay.

23 MR. PAULSEN: I think -- right here, 75.

24 THE COURT: Mr. Tsai.

25 MR. PAULSEN: Yes.

*Sidebar*

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1 MR. FRISCH: I need to regroup.

2 THE COURT: Sure.

3 (Pause.)

4 MR. FRISCH: Erik?

5 MR. PAULSEN: Yes.

6 MR. FRISCH: Ms. Butterfield, 78.

7 THE COURT: I figured that was coming.

8 Okay. So our alternates will be: Mr. Shipman is  
9 Alternate 1; Ms. Costanza is Alternate 2; Ms. Behghiat is  
10 Alternate 3; and Mr. Hillel-Tuch Alternate 4.

11 MR. FRISCH: Yes, that's right.

12 MR. PAULSEN: Yes, that's right.

13 THE COURT: Is that jury acceptable to the  
14 Government?

15 MR. PAULSEN: It is, Your Honor.

16 THE COURT: Is that jury acceptable to the  
17 defendant?

18 MR. FRISCH: Yes.

19 THE COURT: Okay.

20 All right. Thank you, gentlemen.

21 (Sidebar ends.)

22 (In open court; prospective jurors present.)

23 THE COURT: Ladies and gentlemen, I'm going to read  
24 a list of names. Those who are called will be our jury. If  
25 you do not hear your name, that means you are excused with my

*Jury Selection*

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1 thanks and thanks of the Court and the parties.

2 Our jury will consist of Juror Number 3,  
3 Mr. Guidetti; Juror Number 5, Mr. Wan; Juror Number 9,  
4 Ms. Santana; Juror Number 14, Ms. Gopal; Juror Number 22,  
5 Ms. Rodolico; Juror Number 23, Mr. Kopitz; Juror Number 24,  
6 Mr. Rebinin; Juror Number 30, Ms. Tran; Juror Number 36,  
7 Ms. Mojescik -- I'm sorry if I mispronounce your name -- Juror  
8 Number 38, Ms. Webb; Juror Number 59, Mr. Najowitz; and Juror  
9 Number 61, Mr. Gondek.

10 (Continued on the following page.)  
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*Jury Selection*

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1 (Continued.)

2 THE COURT: Our alternate jurors will be Juror  
3 No. 62, Mr. Shipman. Juror No. 65, no, excuse me Juror  
4 No. 76, Ms. Costanza. Juror No. 79, Ms. Benghiat. And  
5 Juror No. 80 Mr. Hillel-Tuch. Those of you whose names were  
6 not called can get up, go to the Central Jury Room. You are  
7 excused. Thank you so much. I am very sorry this took so  
8 long.

9 Those whose names were called, please stay seated.  
10 I want to make sure no one snuck out.

11 (A brief pause in the proceedings was held.)

12 THE COURT: We're good. Ladies and gentlemen, you  
13 know already that the trial is starting Monday. I think --  
14 where's Miriam? She's not here.

15 So trial starts Monday. I believe Judge Garaufis  
16 starts the trial at -- his trial days start at 9:00 a.m. if  
17 I'm not mistaken but you'll get information from his deputy  
18 shortly. You're going to get your telephone numbers and  
19 everything so they know how to reach you in case anything  
20 changes.

21 The same admonitions that I gave you before apply  
22 until and, actually, through the trial. Don't talk about  
23 the case amongst yourselves or with anyone else. If anyone  
24 asks you what's going on you say I was picked to serve on a  
25 jury in a criminal case.

*Jury Selection*

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1           No internet research. Don't do a Google search or  
2 anything like that. The evidence is going to be presented  
3 to you in court and nowhere else, and it's limited to what  
4 is presented in court. You can't do your own research.

5           If anyone approaches you about the case, let Judge  
6 Garaufis know about that immediately. If you see the  
7 parties in the hall, which you likely will during the trial,  
8 smile politely and go along your way. They will do the  
9 same. They won't talk to you. It's not because they're  
10 rude, it's because they're not supposed to have any contact  
11 with you outside the courtroom.

12           You have my thanks, the thanks of the Court. This  
13 is a very important thing that you're doing. It's part of  
14 your obligation as a citizen in this country to serve on  
15 juries and we appreciate that greatly. Our system of  
16 government is fabulous.

17           One of the things that makes it different and  
18 better than the systems of government throughout the world  
19 is that we have jury trials. We have juries of our peers  
20 who decide guilt or innocence, decide civil liability. It  
21 separates from us from just about every country or most  
22 countries anyway in the world and it's enshrined in our  
23 constitution. You are fulfilling your constitutional duty  
24 as a citizen of this country to serve on this jury and we  
25 appreciate that.

*Jury Selection*

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1 I know you're going to enjoy your experience. I  
2 have yet to meet someone who served on a jury who did not  
3 enjoy the experience. Who didn't find it interesting and  
4 fulfilling. Thank you.

5 THE JURY: (Collectively) Thank you.

6 THE COURT: So Joe Reccoppa is Judge Garaufis's  
7 Miriam and he's going to come meet you and give you some  
8 more information.

9 Anything else?

10 MR. FRISCH: Thank you, Judge.

11 MR. PAULSEN: Thank you.

12 THE COURT: Good luck. Thanks.

13 (WHEREUPON, this matter was adjourned to March 20,  
14 2023, at 9:00 a.m.)  
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